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B I L L S,

PUBLIC:

FOUR VOLUMES.

—*(3.)*—

LANDED ESTATES (IRELAND)

TO

OXFORD AND CAMBRIDGE UNIVERSITIES, &c. ESTATES.

Session

3 *December* 1857 —— 2 *August* 1858.

VOL. III.

1857-58.

B I L L S:

1857-58.

FOUR VOLUMES:—CONTENTS OF THE

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(Ireland.)

A

B I L L

TO

Simplify the Title to Landed Estates in Ireland.

WHEREAS it is expedient to make better Provision for the Assurance of the Titles to Landed Estates in Ireland, and thereby to simplify such Titles, and for that Purpose to establish a Court, with the Power and Jurisdiction herein-after mentioned, and also to establish an Office for the registering in a Public Record of the Ownership of such Estates: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, as follows; that is to say, Preamble.

I. It shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time after the *passing of this Act*, by Letters Patent under the Great Seal of Ireland, to appoint a fit and proper Person to be Chief Remembrancer of Landed Estates, and by that Name and Title to perform the Duties and exercise the Powers herein-after mentioned; and upon any Vacancy in such Office, to appoint from Time to Time another fit and proper Person to the same, subject however to the Provisions as to the First Appointment herein-after contained. Chief Remembrancer to be appointed.

II. There shall be and is hereby constituted a Court in Ireland, to be called "the Court of Landed Estates," of which the Chief Remembrancer shall by virtue of his Office be the Chief Judge. Institution of Court of Landed Estates.

Rank of Chief Remembrancer and Tenure of Office.

III. The Chief Remembrancer shall have Rank and Precedence next after the Master of the Rolls, and he shall hold his Office for Life, but shall be liable to Removal by Her Majesty, Her Heirs and Successors, upon an Address of both Houses of Parliament.

Salary and retiring Pensions.

IV. *He shall receive and be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland a fixed annual Salary of Three thousand seven hundred Pounds a Year, and after Fifteen Years Service he shall be entitled to retire upon an annual Pension of Two thousand seven hundred Pounds a Year: Provided always, that no Person shall continue to hold such Office after he has attained the Age of Seventy Years, and that he shall upon attaining such Age be entitled to receive his retiring Pension, provided he has filled the Office for Ten Years.*

Pension on Disability.

V. *It shall be lawful for Her Majesty, Her Heirs and Successors, to grant to any Person filling such Office a retiring Pension of not exceeding the said Sum of Two thousand seven hundred Pounds a Year, whenever he is disabled by permanent Illness or Infirmity from discharging the Duties of his Office.*

Oath of Chief Remembrancer.

VI. Every Person appointed to the Office of Chief Remembrancer shall, before acting in his Office, make and subscribe the following Oath before the Lord Chancellor, or in Her Majesty's Court of Exchequer in Ireland:

'I A.B., appointed to the Office of Chief Remembrancer of Landed Estates in Ireland, do sincerely and solemnly declare, that I will, to the best and utmost of my Skill and Ability, faithfully and diligently execute the Duties of the said Office; I will, to the utmost of my Power, take care that no one be wronged by anything done by me in the Execution of the said Office. As far as in me lies, I will take care that no Person having a just and lawful Title to Lands shall be refused to be acknowledged, and that no Person not having such just and lawful Title shall be acknowledged as the Owner of any Land; and all this I will, to the best of my Skill and Knowledge, and with all Diligence and Care, perform and do:

'I will also, to the best of my Skill and Knowledge, faithfully and diligently discharge all such Duties as appertain to me as Chief Judge of the Court of Landed Estates in Ireland.

'So help me GOD.'

Two other Judges to be appointed.

VII. It shall be lawful for Her Majesty, Her Heirs and Successors, in like Manner to appoint Two other fit and proper Persons to be, with the Chief Remembrancer, Judges of the Court of Landed Estates, subject in like Manner to the Provisions as to the First Appointment herein-after contained.

VIII. *Such*

VIII. *Such Judges shall each receive a yearly Salary out of the said Consolidated Fund of Two thousand seven hundred Pounds a Year, and shall be entitled to a Retiring Pension of Two thousand Pounds a Year and they shall hold their Office and be entitled to their Retiring Pensions in all respects in the same Manner and the same Conditions, and subject to the same Power of Removal as is herein-before provided in the Case of the Chief Remembrancer.* Salary of Judges.

IX. Every Person appointed to be such Judge shall, before entering on the Duties of his Office, in open Court before the Chief Remembrancer, make and subscribe the following Oath: Oath of Judge.

'I A.B., appointed to the Office of Judge of the Court of Landed Estates in Ireland, do solemnly and sincerely swear, that I will faithfully and truly, and to the best and utmost of my Skill, Knowledge, and Diligence, fulfil and execute all such Duties as shall appertain to me as such Judge. So help me GOD.'

X. There shall be attached to the said Court the following Officers; that is to say, One Secretary, One Accountant, One Registrar, One Taxing Master, One Assistant Registrar, Two Examiners of Titles, and so many Clerks as the Chief Remembrancer may from Time to Time, with the Approbation of the Lord Chancellor and the Consent of the Commissioners of Her Majesty's Treasury, think necessary in that Behalf; and in addition, each of the Three Judges shall appoint a fit and proper Person to be his Clerk, to hold Office during the Pleasure of the Judge; and such Officers shall be paid the Salaries respectively mentioned in the First Schedule to this Act annexed. Officers of Court.

XI. The Salaries of all the said Officers and all other necessary Attendants on the Court or Judges, the Number and Salaries of whom shall be fixed by the Lord Chancellor on the Representation of the Judges, but in every Case with the Consent of the Commissioners of Her Majesty's Treasury, shall be paid out of the Fund herein-after called the Court Fund, or out of such other Funds as Parliament may from Time to Time for that Purpose provide. Salaries to be paid out of Court Fund.

XII. The Court shall have its Sittings in such convenient Building at or near to the Inn's Quay in the City of Dublin as the Lord Lieutenant may direct and provide. Place of Sitting of Court.

XIII. The Secretary and the Accountant to the said Court shall be appointed by the Lord Lieutenant of Ireland; the Registrar and Assistant Registrar, and all other Officers, except the Clerks to the Judges, shall be appointed by the Judges of the Court, or any Two of them, of whom the Chief Remembrancer shall be One, with the Appointment of Officers.

Consent and Approbation of the Lord Chancellor, subject however to the Provisions herein-after contained regulating the First Appointment of such Officers.

Qualification of Officers.

XIV. No Person shall be appointed to the Office of Registrar, Assistant Registrar, or Examiner of Title, unless he shall be a Barrister of *Six* Years standing, or duly admitted as an Attorney of One of the Superior Courts of Common Law in Ireland for a Period of not less than *Ten* Years; and no Person, unless he be such Attorney, shall be appointed Taxing Master of the said Court.

Officers may be removed for Misconduct.

XV. The Court may, upon Cause shown, remove for Misconduct any Secretary, Registrar, Assistant Registrar, Taxing Master, or Examiner of Titles, subject nevertheless to an Appeal on behalf of such Officer to the Court of Appeal in Chancery, and the Chief Remembrancer may remove any of the Clerks employed in the Office of the said Court, subject to Appeal to the full Court.

Oath of Secretary and Examiner.

XVI. Every Person appointed to be Secretary or Examiner of Titles shall, before entering on the Duties of his Office, make and subscribe in open Court the following Oath:

'I A.B. appointed to be Secretary (or Examiner of Titles) of the Court of Landed Estates, do solemnly and sincerely swear, that I will faithfully execute the Duties of such Office:

'I do also solemnly and sincerely swear, that I will keep secret and will not reveal, unless when thereto commanded by lawful Authority, any Matter or Thing which may come to my Knowledge as such Officer of the said Court, and which ought to be kept secret by the Rules and Orders of the said Court.

So help me GOD.'

Court to be Court of Record.

XVII. The Court of Landed Estates shall be a Court of Record, and shall have all the Powers and Authorities of such, and the Court or any Judge thereof shall have Power to administer an Oath or to take an Affidavit or administer a Declaration; and any Person who shall wilfully swear or declare falsely in any Evidence given or Affidavit or Declaration made before the Court, or any Judge, shall incur all the Penalties of wilful and corrupt Perjury.

Court to have Power to summon Witnesses.

XVIII. The Court shall have Power, by Summons under their Seal, to require before them the Attendance of any Person as a Witness, either before the full Court or any Judge thereof, and to require by such Summons, if necessary, any Person to produce any Deeds, Documents, or Papers, and such Summons shall be as effectual to all Intents and Purposes, as a Subpœna or Subpœna duces tecum issuing from

from One of the Superior Courts of Law, and the Court shall have Power to punish Disobedience thereto in the same Manner as the Superior Courts of Common Law may now punish Disobedience to a Subpœna.

Affidavits to be sworn before Commissioners.

XIX. Affidavits to be made before the Court or any Judge thereof may be sworn, either in Ireland or elsewhere, before any Person duly empowered to take Affidavits by Commission from any of the Superior Courts of Law in Ireland, in the Locality in which such Affidavit is sworn.

Witnesses may be served with Summons out of Jurisdiction.

XX. The Court shall have the same Power as the Superior Courts of Common Law of directing a Summons to be served upon any Person to appear before them as a Witness, when such Person is resident beyond the Jurisdiction of the Court.

Sittings of Judges and of full Court.

XXI. The Judges of the Court shall sit in separate Chambers to discharge the Duties herein-after mentioned as belonging to a single Judge, and the Chief and other Two Judges shall from Time to Time sit in full Court in such convenient Room as may be set apart for that Purpose: Provided always, that such full Court shall be constituted by the Presence of any One of the Judges in case of the Absence of the other Two, and any One or Two of the Judges so sitting shall have Power to make any Orders or do any Act herein required to be done by the full Court.

Establishment of Public Record of Estates.

XXII. There shall be attached to the Court of Landed Estates an Office for the registering by Public Record of the Ownership of Landed Estates in Ireland, to be called the Office of the Chief Remembrancer of Landed Estates.

Building to be provided for same.

XXIII. There shall be provided for such Office, at or near to the Inn's Quay in the City of Dublin, a convenient Building, with all necessary Appliances for the Preservation of the Books and Records herein-after mentioned; and all Costs and Expenses attending the Erection of such Building shall be defrayed out of such Funds as Parliament may for that Purpose provide.

Office to be under Control of Chief Remembrancer.

XXIV. Such Office shall be under the Control and Superintendence of the Chief Remembrancer and of the Deputy Remembrancer herein-after mentioned.

Deputy Remembrancer to be appointed.

XXV. The Judges of the Court of Landed Estates, or any Two of them, shall appoint, with the Approbation of the Lord Chancellor, a fit and proper Person to be Deputy Remembrancer, and another fit

and proper Person to be Chief Clerk of such Office, and the Deputy Remembrancer and Chief Clerk shall jointly appoint, with the Approbation of the Court, such and so many Persons to be Clerks in the Office as the Chief Remembrancer may, with the Approbation of the Lord Chancellor and the Consent of the Commissioners of Her Majesty's Treasury, from Time to Time think necessary.

Salary of Deputy Remembrancer.

XXVI. The Deputy Remembrancer and other Persons employed in such Office shall receive the annual Salaries mentioned in the Schedule to this Act annexed, and such Salaries shall be payable out of the Court Fund, or out of such other Funds as Parliament may provide.

Books to be opened for each County, Barony, and Parish.

XXVII. There shall be opened in the said Office Books to be called the Books of the Chief Remembrancer, and such Books shall be separately arranged for each County, Barony, and Parish in Ireland, and such Books shall also show all separate Denominations of Townlands or other such Denominations in Ireland, and for each Parish One or more separate Books shall be kept, as the Chief Remembrancer may from Time to Time in that Behalf direct, and such Books shall be prepared with reference to the Maps of the Ordnance Survey and to the general Valuation of Tenements in Ireland.

Rules to be made for keeping of such Books.

XXVIII. The Chief Remembrancer, with the Approbation and Consent of the other Judges of the Court, may from Time to Time establish such General Rules and Regulations for the keeping of such Books and for the better Regulation of such Office as shall appear best calculated to carry out the Intentions and Provisions of this Act: Provided always, that all such Rules and Orders shall be laid before both Houses of Parliament within *One Month* after such Rules and Orders are made, if Parliament be then sitting, and if not, within *One Month* after Parliament shall next sit.

Maps to be provided.

XXIX. There shall also be provided for such Office Maps of each County, Barony, and Parish in Ireland, according to the Ordnance Survey, and such Maps shall be upon such Scale as the Chief Commissioner may, with the Approbation of the Lord Chancellor, direct.

Officers of Royal Engineers may be appointed to attend the Registry.

XXX. It shall be lawful for the Lord Lieutenant to direct that as many Officers of Her Majesty's Corps of Engineers as may appear necessary for that Purpose shall be in attendance upon the Chief Remembrancer, with such Staff and Attendants as may be necessary to do and execute all such Acts of surveying or otherwise, as may from

from Time to Time become requisite in the Execution of the Powers of this Act.

Commencement of Powers of Court.

XXXI. The Power and Jurisdiction of the Court of Landed Estates in Ireland shall commence on the *First Day of November One thousand eight hundred and fifty-eight.*

Court to be provided with Seal.

XXXII. The Court of Landed Estates in Ireland shall provide themselves with a Seal, and such shall, without Proof thereof, be judicially taken notice of by all Courts of Law and Equity in the United Kingdom.

Judge not to sit in Parliament.

XXXIII. No Judge or other Officer of such Court shall be capable, while he holds such Office, of being elected or sitting as a Member of the House of Commons.

Owners of Lands may petition Court.

XXXIV. From and after the *First Day of January One thousand eight hundred and fifty-nine* it shall be lawful for any Person who shall, by himself or his Agents or Trustees, be in the actual Possession of any Lands in Ireland, or Receipt of any Rents, Issues, or Profits arising out of any such Lands, and shall be entitled thereto for any Term, Estate, or Interest whatever, to present a Petition to the Court, stating his Possession of such Lands, or his Receipt of Rents, Issues, or Profits arising out of the same, and the Estate or Interest which he claims in the same, and praying that his Title to such Estate and Interest may be adjudged good, and that a Conveyance of such Lands or such Estate and Interest therein may be made under the Seal of the Court, either to a Person to his own Use, or to such Person as he shall appoint.

Petition to be verified.

XXXV. Every such Petition shall be verified by such Affidavit as the Court may by any General Order direct, and such Petition shall be delivered at the Office of the Secretary, and with it shall be deposited an Abstract of the Title of the Petitioner to the Lands mentioned therein; and there shall be also deposited such Rentals, Statements of Incumbrances, and other Documents as the Court may require, verified in such Manner as the Court shall direct.

Map to be deposited.

XXXVI. There shall also be deposited a Map of the Lands mentioned in the Petition, of such Scale and executed in such Manner as the Court may require.

Estimate of Value to be made.

XXXVII. An Estimate shall also accompany such Petition of the clear annual Value of the Petitioner's Interest in the said Lands, and thereupon the Accountant of the Court shall ascertain the selling

Value of such Interest, and there shall be paid into the Bank of Ireland, to the Credit of the Court Fund, a Sum of *Ten Shillings* on each Hundred Pounds of the estimated selling Value of such Estate.

Petition to be referred to Judge.

XXXVIII. Upon receiving the Petition the Secretary shall examine the same, whether the Requisitions of this Act have been complied with, and shall communicate to the Parties presenting it upon any Defect which may be in the same or in the Documents accompanying it, and shall, if necessary, take the Opinion of the Chief Remembrancer upon any Point connected therewith; such Petition shall, if in accordance with the Provisions of this Act, be thereupon referred by the Chief Remembrancer to One of the other Judges of the Court, and the Abstract of Title and all other Documents connected therewith shall be referred for Examination as herein-after mentioned to One of the Examiners of Title.

Examiner of Title to examine Abstract.

XXXIX. The Examiner of Title shall examine such Abstract with the original Deeds, and shall satisfy himself that such Deeds are fairly and truly abstracted, and he shall further see that such Abstract is prepared in conformity with the Rules and Regulations of the Court, and he shall call the Attention of the Judge to any Circumstance connected with such Title as he may deem worthy of Attention.

Judge to examine into Title.

XL. Upon receiving such Abstract from the Examiner the Judge shall peruse the same, and examine and inquire whether the Petitioner has made out a good Title to the Estate and Interest which he claims in such Lands.

Judge may call for further Evidence.

XLI. The Judge may call for such further Information as he may think necessary, and he may require any Evidence, by Affidavit or otherwise, as he may see fit, and he may direct special Notices to be served on any Party whom he may see fit, requiring them to appear before him in relation to the Title to the said Lands, and call for all such Searches as he may think necessary, and generally do all such Acts and Things as he may deem requisite for his Information upon the true Title to such Lands.

Title may be rejected.

XLII. If the Judge shall think that a Title is not made out to such Lands such as to justify the Declaration of the Petitioner's Title under this Act, he shall make such Decision, and the same shall be communicated to the Party presenting the Petition, and unless such Party shall intimate his Wish that the Matter of such Petition should be brought before the full Court, the Petition shall be dismissed.

Petitioner may bring Matter be-

XLIII. If the Petitioner shall so desire upon the Matter being brought before the full Court, the Court shall, after hearing such Petitioner,

Petitioner, and any other Person whom they shall see fit, make such Order therein as may be just. fore full Court.

XLIV. If the Judge shall consider that a good Title has been made to the Lands in the Petition mentioned, he shall so report to the Chief Remembrancer, with such Observations as he may think fit. Judge may report good Title.

XLV. A Minute shall be kept of all Proceedings before the Judge in relation to the Investigation of any such Title, and a Copy of such Minute shortly detailing all such Proceedings shall be submitted to the Chief Remembrancer, together with the Report of the Judge. Minute to be kept of Proceedings before Judge.

XLVI. It shall be lawful for the Chief Remembrancer, if, upon Perusal of such Documents and Conference with the Judge, he shall so think fit, to direct any further Inquiry to be made, or Information or Evidence to be called for, or Notices to be served upon any Parties. Chief Remembrancer may make further Inquiry.

XLVII. Before any Title is finally approved, Notices shall be given by Advertisements in the public Papers, and otherwise as the Court may direct, and shall also be published in the Locality of the Lands, and such Notices shall describe the Lands mentioned in the Petition, and state the Object sought by the Petition, and shall fix a Time within which Persons claiming such Lands, or having any Charge or Incumbrance on the same, shall appear in the Court. Public Notice to be given.

XLVIII. The Judge to whom such Title is referred shall also inquire by all or any of the Means aforesaid into all Incumbrances and Charges affecting the Interest of the Petitioner in such Lands, and he shall set out in a Schedule all such Incumbrances as he shall find to be subsisting Incumbrances upon such Interest. Incumbrances to be ascertained.

XLIX. The Judge shall also inquire into the Tenants Leases affecting the Estate or Interest of the Petitioner in the said Lands, and shall have Power to call before him all Persons claiming any Interest as Lessees affecting the same, and shall have Power to determine upon the Validity of the same, and he shall set out in a Schedule the Particulars of all Leases so affecting the Estate of the Petitioner, and the registered Owner shall hold the Lands discharged of all other Leases than those mentioned in such Schedule, except as herein-after mentioned. Tenants Leases to be ascertained.

L. The Provisions above contained shall not apply to any Leases or Tenancies of which there shall not be any greater Term remaining than Seven Years unexpired, provided that the Rent payable under the same shall not be less than the Value of the Premises as ascertained by the General Valuation of Ireland. Provisions not to apply to certain Leases.

Privileges of Person claiming to be Tenant.

LI. Every Person claiming as Tenant or Lessee shall be entitled to all the same Rights and Privileges in asserting his Claim to such Interest as any adverse Claimant of the entire Estate and Interest in the Lands.

Adverse Claimants to be heard.

LII. It shall be lawful for any Person claiming in the said Lands an adverse Interest to the Petitioner, whether by way of adverse Title, Incumbrance, Charge, Lease, or in any other respect whatsoever, at any Time after the Presentation of the Petition and before the final Adjudication upon the Title, to lodge with the Secretary to the Court a Statement of his Claim; and after such Statement lodged the Title of the Petitioner shall not be approved of without hearing the Case of such Claimant, if he shall appear according to the Rules and Orders of the Court to sustain the same.

Court may dismiss Petition.

LIII. If any Party shall so appear the Court shall thereupon hear such Party and the Petitioner, and if they shall upon hearing such Opposition think fit, they shall dismiss the Petition as to the whole or Part of the Lands, or shall adjudge the Petitioner to be entitled to any lesser Estate than that which he claimed, or shall insert the Name of the Claimant in One of the Schedules relating to such Lands or make such Order as to them shall seem meet.

Evidence to be heard.

LIV. The Court shall have Power to hear Evidence in support of such Opposition, and also in support of the Petitioner's Claim.

Court may direct Petition to stand over.

LV. It shall be lawful for the Court in any Case in which a primâ facie Case is made by an adverse Claimant to limit a Time within which the Petition shall stand over to enable such adverse Claimant to assert his Right by such Proceedings in a Court of Law or Equity as he may be advised, and if they shall think fit to extend such Time or to make any Order therein that shall seem just.

Appeal to Court of Appeal in Chancery.

LVI. Every Order of the Court shall be subject to Appeal to the Court of Appeal in Chancery, and from thence to the House of Lords; and in any Case in which the Court of Landed Estates shall adjudge the Title of any Petitioner to be good they shall at the Request of any opposing Party suspend the Entry of the Transfer hereinafter mentioned for *One Month*, to enable the Party to bring such Appeal, and if such Appeal is brought within *One Month* all Proceedings shall be suspended until such Appeal is finally disposed of.

Schedules of Incumbrances and Leases to be settled.

LVII. The Court shall by its final Order approving of the Title of the Petitioner also settle the Schedule of Incumbrances and Tenancies, and the Petitioner may, before such final Settlement, object to any such Incumbrance or Lease, and upon Notice to the Owner or supposed

supposed Owner of the same may show Cause why such Incumbrance or Lease should be struck out of the Schedule, and the same Rule shall be applied to any Person who shall come in to establish an Incumbrance in consequence of the Advertisement; but it shall not be necessary in such Schedule to fix the Priority of Incumbrances, nor shall any Person be admitted to oppose any Person claiming an Incumbrance, except the Petitioner or some adverse Claimant of the same Incumbrance, and the Entry of any Incumbrance in the Schedule shall not be Evidence against any One except the Petitioner of the Fact of the Existence of such Incumbrance.

Petitioner's Title not to be affected by Dismissal of Petition.

LVIII. In any Case in which the Court shall refuse to admit the Title of any Petitioner to the Estate or Interest claimed in the Lands mentioned in the Petition, such Refusal shall not be held in any Manner to weaken, affect, or to prejudice the Title of the Petitioner to such Lands; and in such Case all Deeds or Abstracts of Title, and other Documents submitted to the Court, shall be returned to the said Petitioner, and no Document or Statement prepared for the Use of the Court shall ever be used in Evidence against such Petitioner in any Court of Law or in Equity, nor shall he be compellable upon any Bill of Discovery or otherwise to make any Disclosure respecting the same.

Communications to be privileged.

LIX. In such Case, all Communications made to any Officer of the Court in support of the Case of the Petitioner shall be considered as protected from Disclosure to the same Extent as they would be so protected if made in the Course of professional Confidence to the Counsel or Attorney employed for the said Petitioner.

Protection not to extend to Evidence used before Court.

LX. Provided always, That the Protection hereby given shall not extend to any Documents or Evidence which the Petitioner may use before the Court, or any Judge thereof, upon the Hearing of any adverse Claim.

Reversionary Claims may be tried.

LXI. Whereas it may frequently happen that Claims may be made to Reversionary or other Interests in Land which are not capable of being brought to immediate Trial in the ordinary Course of Law: In the Case of any such Claim, of what Nature or Kind soever, the Court may direct that the Parties may proceed to try the same and determine their Rights, and for that Purpose may give such Directions as to them shall appear just; and in such Case the Matter in dispute between the Parties, if the Court shall so direct, may be tried by any Court of Law or Equity as if the Question involved the immediate Right of Possession to the same.

Petition may be withdrawn.

LXII. Provided always, That it shall be lawful for the Petitioner, by Requisition delivered to the Secretary of the Court, at any Time to withdraw his Petition, and thereupon all Proceedings shall cease.

Costs to be awarded.

LXIII. In the event of such Withdrawal, the Court may award all such Costs of opposing or taking Steps to oppose such Petition, as they think just, and to any Person to whom they think fit.

Court may adjudge Title to be good.

LXIV. After such Examination of the Title as aforesaid, and its Approval by the Judge to whom it is referred; and after the Publication of such Advertisements and Notices as aforesaid, if no adverse Claimant shall appear, or if the Petitioner shall sustain his Title, and if the Court shall see no Reason to the contrary, it shall be lawful for the Court at any Time after the Period limited for Claimants to appear to make an Order adjudging the Title of the Petitioner to be good for such Estate or Interest as it shall appear to the Court he has in such Lands, subject to the Incumbrances and Leases, if any, as are set out in the Schedule, and such Order shall be called the Adjudication of Title; and there shall be annexed in every Case to such Adjudication of Title a further Order of the Court conveying such Estate and Interest to such Person as the Petitioner shall name, either to such Person absolutely, or to the Use of the Petitioner, or to such Uses and Trusts as the Petitioner shall direct.

Effect of Order of full Court.

LXV. Such Order of the full Court shall be deemed to be the Judgment of the Court upon the Claim of the Petitioner, and upon all Matters relating thereto, and it shall for all Purposes, except those of an Appeal, be conclusive Evidence that all the Requirements of this Act have been complied with, and that such Order has been duly made in all respects in accordance with the Powers and Authorities of this Act; and no such Order shall be questioned in any Court of Law or Equity, except by the Appeal therefrom herein-before mentioned.

Act Book to be kept.

LXVI. There shall be kept by the Registrar of the Court, and under the Control of the Court, a Book of Record to be called the "Act Book" of the said Court; and a Memorandum of any such Adjudication and Transfer shall be drawn up in the Form stated in the Schedule to this Act, or some other convenient Form, and the same shall be entered in the Book of the said Court, and such Entry shall be called and known as the "Memorandum of Transfer."

Full Court to control all Proceedings.

LXVII. For all Purposes of the Jurisdiction of the Court the Petition shall, from the Time when the same shall be presented until its final Disposal, be deemed to be pending before the full Court notwithstanding any Reference to or Proceeding before any single Judge, and all Proceedings shall be under the Control and Direction of the full Court; and it shall at all Times be lawful for the full Court to make such Orders as they shall see fit in the Matter of such Petition, and to direct any Inquiry, or to order any particular Matter to be investigated

investigated or further investigated, or to refer any Inquiry back again to any Judge or Examiner, and generally to do all such Acts and make such Orders in the Matter of such Petition as to them shall seem just.

General Orders to be framed.

LXVIII. Before the *First Day of January One thousand eight hundred and fifty-nine* the Chief Remembrancer and the other Judges of the Court shall prepare, with the Approbation and Consent of the Lord Chancellor, such General Rules and Orders for carrying out the Provisions of this Act, and regulating the Proceedings of the Court, as to them shall seem meet and as shall not be inconsistent with the Provisions of this Act; and they shall have Power from Time to Time and at all Times hereafter, with the like Approbation, to vary such Orders, and to make new or additional ones: Provided always, that all such Orders shall be laid before Parliament within *One Month* after the same are approved by the Lord Chancellor, if Parliament shall be then sitting, and if not, then within *One Week* of the next Meeting of Parliament for the Despatch of Business.

Effect of Memorandum of Transfer.

LXIX. The Memorandum of Transfer shall vest in the Person named therein the Estate or Interest mentioned in the Lands, and that absolutely freed, discharged, and acquitted of all Claims, Charges, Estates, or Demands whatsoever, of any Person or Persons, including the Queen's most Excellent Majesty, Her Heirs and Successors, and of and from all Incumbrances and Leases, except those mentioned and included in the Schedules referred to in such Memorandum of Transfer, and such Leases or Tenancies as are exempted from the Provisions of this Act.

All Claims not noticed in Schedule to be barred.

LXX. All other Claims, Demands, and Estates, of what Nature or Kind soever, affecting the Estate or Interest adjudged to the Petitioner in such Lands shall be absolutely barred and extinguished by such Memorandum of Transfer.

Payment to be made to Court Fund.

LXXI. No such Memorandum of Transfer shall be entered until the Petitioner shall have paid into the Court Fund a further Sum of *Two Pounds* upon every Hundred Pounds of the estimated Value of the Petitioner's Estate or Interest in the Lands.

Memorial of Transfer to be issued.

LXXII. An exact Transcript of such Memorandum shall, if the Party so desire it, be engrossed on Parchment, and sealed with the Seal of the Court, and signed by the Chief Remembrancer and One other of the Judges of the Court, and the same shall be delivered to the Person entitled to the Ownership of such Lands; and such Transcript shall be called and known as the Memorial of Transfer.

It shall be deemed the Title Deed.

LXXIII. The Memorial of Transfer when so delivered shall have the Effect of a Deed of Conveyance, and shall be deemed to be the Title Deed of the Person holding the same to the Lands, and its Deposit with any Person shall have the same Effect and be attended with the same Consequences as to him, and otherwise, as the Deposit of Title Deeds now has by Law or Usage, or the Practice of Courts of Equity, or otherwise.

Memorial of Transfer may be registered as a Deed.

LXXIV. If the Person entitled shall so desire it, such Memorial may be registered as a Deed in the Office for registering Deeds in Ireland.

Owner may be registered under this Act.

LXXV. If the Person entitled shall desire his Ownership to be registered under this Act, upon the Memorial of Transfer being produced to the Deputy Remembrancer, he shall cause Entry to be made in the proper Book in the Remembrancer's Office, in the Form in the Schedule to this Act annexed, or such like convenient Form as the Court may from Time to Time direct, and such Entry shall specify the Name of the Owner (herein-after called the registered Owner), the Lands of which he is Owner, the Estate or Interest he has therein, and such other Particulars as ought to be stated in such Entry.

Lots may be distinguished in Entry.

LXXVI. In every Case of such Entry the Lands may and shall, if the Owner shall so desire, be apportioned into such and so many Lots or Portions as can be conveniently distinguished by a Reference to a Map or otherwise; and each of such Lots or Portions may be the Subject of a separate and distinct Entry of Ownership, so as to facilitate all future Dealings with such Lot or Portion; but all such Subdivisions shall be so arranged with the Approbation of the Chief Remembrancer of the Court.

Entry conclusive Evidence of Ownership.

LXXVII. Such Entry while it remains unaltered shall be conclusive and indisputable Evidence in every Court of Law and Justice that the Person named therein as Owner had at the Time of such Entry, the Estate in the said Lands mentioned in the Entry, and no Evidence shall be received to contradict or weaken the Effect of such Entry.

As to registered Owners of Estates, be it enacted as follows:

Laws of Registration of Deeds not to apply to registered Owner.

LXXVIII. None of the Laws affecting the Registration of Deeds in Ireland shall apply to any Deed or Conveyance executed by any registered Owner after his Ownership has been so registered in the Incumbrance Book.

LXXIX. No

LXXIX. No Judgment obtained or hereafter to be obtained against any Person shall be registered as a Mortgage against any Estate or Interest in Lands of which the Conusor of such Judgment shall be registered Owner under this Act. No Judgment to be registered as Mortgage.

LXXX. Any registered Owner desirous of assigning his Estate and Interest in the said Lands may appear in Person, or by Attorney duly authorized, before the Chief Remembrancer in open Court, and shall and may declare that he transfers his Title and Interest in all or any of the Lands of which he is registered Owner, or any Estate less than his own, to such Person as he shall name, and for such Consideration as shall be then expressed; and upon the Party to whom he shall so transfer in Person, or by Attorney duly authorized, agreeing in open Court to accept such Transfer, a Memorandum of Transfer shall be entered on the Act Book of the Court, in the Form in the Schedule of this Act annexed, and a Memorial of Transfer shall be issued under the Seal of the Court; and thereupon the Deputy Remembrancer shall make such Note upon the former Entry as shall show that such Transfer has been made, and he shall thereupon make a new Entry, in which the Name of the new Owner shall be entered as the Owner of the said Lands for such Estate and Interest as shall be so transferred to him. Registered Owner may assign by Entry in Book.

LXXXI. No such Transfer shall be made unless the Party making the same shall produce at the Time to the Court the Memorial of Transfer previously issued, unless by the special Order of the Court. Memorial of Transfer to be produced

LXXXII. Such special Order shall only be given upon clear Evidence, satisfying the Court beyond all reasonable Doubt that such Memorial has been lost or destroyed, and that there exists no Lien or Claim of any Person in respect to the same who is not before the Court and a concurring Party to the Application. Loss may be supplied.

LXXXIII. In any Case in which the Court shall be so satisfied, whether upon an Application for Transfer or not, the Court may, if they think fit, direct a new Memorial of Transfer to be made out and delivered to the Party, and such new Memorial shall be marked with the Word Duplicate, and shall further express the true Date upon which the same was issued. Duplicate Memorial to be issued.

LXXXIV. No Person accepting such Transfer as last mentioned shall be in any Manner bound by any Notice, express or implied, of any Deed executed by the registered Owner of such Land. Transferree not bound by any Notice.

Proceedings may be taken to enforce Deed or Contract.

LXXXV. Nothing herein contained shall prevent any Person from taking Proceedings, either in Law or Equity, against any registered Owner to enforce any Contract or Agreement for Sale, or any Deed of Mortgage or other Security granted by the registered Owner; and in any Case in which the Court in which any such Proceeding is pending shall see fit to issue an Order restraining the Transfer of such Lands, such Order or a Copy thereof shall be lodged with the Deputy Remembrancer, who shall thereupon take care that no Transfer be made of such Lands while such restraining Order continues in force.

Registered Owner to be the Person entitled to Rents.

LXXXVI. In every Case the registered Owner or Owners shall be the Persons or Person entitled to the immediate Receipt of the Rents and Profits, or to the Possession of such Lands, and no other Person shall be registered as Owner of such Lands, unless in case of the Owner of the Equity of Redemption of any Mortgage, who shall for the Purpose of this Order be considered the Owner; but it shall be lawful for any Person conveying Lands to Trustees by an Assurance under this Act to annex to the Memorandum of Transfer any Statement of Trust, either expressly or by reference to any Deed; and thereupon, if the Trustees be registered as the Owners of such Lands, there shall be added to the Entry of this Ownership the Words in Trust, together with the Reference to the Memorandum as entered in the Act Book of the Court; and no Transfer shall be made by the said Trustees unless upon Reference to such Memorandum the Court shall be satisfied that it is made in accordance with the Purposes of this Trust.

Persons in succession to limited Estate may prove Title.

LXXXVII. When any registered Owner shall be so registered for any limited Estate or Interest in such Lands, upon the Termination of such limited Estate it shall be lawful for any other Person to present a Petition claiming to be registered as Owner in succession to such Person having the limited Estate, and upon Proof of his Title, as in the Case of an original Claimant, he shall be so registered accordingly.

Provision for Persons claiming by Descent or otherwise.

LXXXVIII. Any Person claiming the Estate or Interest of any registered Owner by descent or devise may present a Petition claiming to be registered in his Room, and thereupon the Court, upon Proof of the Facts upon which his Title rests, and also upon giving such Notices and publishing such Advertisements as the Court may direct, may direct an Entry in the Chief Remembrancer's Books of such Claimant as Owner of such Lands.

In such Case Entry to be suspended

LXXXIX. In any Case in which such Claim shall be made by any Person as Heir or Devisee of any deceased Persons, no such Entry

Entry of Ownership shall be made for *Twelve* Months after the Adjudication of Title, within which Time it shall be lawful for any adverse Claimant to come and show Cause against the same. for Twelve Months.

XC. In any Case in which the Entry of Ownership, or the Entry of anything in any Schedule, or the Omission of anything therefrom, shall be obtained by Fraud, Suppression, or wilful Concealment, it shall be lawful for any Person aggrieved by such Fraud to apply to the Court at any Time to set aside or vary such Entry or Schedule, and thereupon the Court shall, if they think fit, by a summary Order set aside or vary such Entry or Schedule, or may direct a Proceeding to be instituted in a Court of Equity to set aside such Proceeding for Fraud; but no such Order shall be made, nor such Proceeding set aside, so as to affect any Purchaser for valuable Consideration who is not a Party to such Fraud. Entry may be set aside for Fraud or varied.

XCI. When any registered Owner shall be desirous of demising any Portion of his Lands for any Term greater than *Seven* Years or at a Rent less than the Value as ascertained by the General Valuations of Ireland, it shall be lawful for such Owner and the Lessee to appear before the Court, and to effect such Demise by an Act duly entered in the Act Book of the Court, which Entry in the Act Book shall at all Times and for all Purposes be Evidence of such Demise and of the Terms thereof, or in case the same shall be affected by any Lease or Instrument, to produce such Lease or Instrument before the Justices at Quarter Sessions held for the District in the Lands are situated, and thereupon the Clerk of the Peace shall transmit under his Hands to the Deputy Remembrancer a short Statement of the Rents reserved by such Lease, the Lands affected thereby, the Date, Terms, and other short Particulars, and for so doing he shall be entitled to receive such Fees as the Court shall by any General Order in that Behalf direct. Provisions as to Leases by registered Owner.

XCII. Upon any such Act being passed in Court, or on Receipt of any such Memorandum from the Clerk of the Peace, the Deputy Remembrancer shall enter in a Schedule to be kept in his Books, annexed to the Entry of Ownership, the short Particulars of such Lease. Entry of Lease to be made.

XCIII. No such Entry shall be held to render valid any Lease mentioned therein, or be Evidence against any Person of the Existence of such Lease. Entry not to validate Leases.

XCIV. No Lease as above described of which a Memorandum is not so entered shall be valid or of any Effect against any Transferee of the Interest of any registered Owner of such Lands. Leases not entered to be void.

Lessor's Title not to be investigated on Petition of Lessee.

XCV. In case any Tenant, Lessee, or any other Person having a derivative Interest in such Lands, shall apply to the Court as Owner for a Declaration and Entry of Ownership of his own Interest in the Lands, the Adjudication of Title shall be final and conclusive against all Persons claiming such derivative Interest, and all Persons claiming the Estate from which such Interest is immediately derived, but no Person claiming to be registered as Owner of any derivative Interest in Land shall have any Right to call on the Court to investigate the Title to the Estate from which such Interest is said to be derived, unless the Person in the Possession of such Estate shall consent thereto; and in any Case in which the Court shall so see fit the Entry of the Ownership of such derivative Interest shall be qualified by Words showing that no Warranty is given of the Title of the Landlord or other Person from whom such Interest is derived, and the Entry as to such Lease shall be in the Form in the Schedule to this Act annexed.

Lease under Power may be adjudged good.

XCVI. In any Case in which a Lease shall be hereafter or has been executed under a Power of leasing, and the Lessee shall petition the Court for an Adjudication of Title under this Act, the Court shall inquire whether such Lease has been executed in accordance with the Conditions of the Power; and if it shall appear to the Court that it has been so executed, the Court shall so declare and adjudge, and such Adjudication shall, against all Persons whatsoever, be final and conclusive.

Persons having Carriage of Decree for Sale may petition Court.

XCVII. In any Case in which a Decree or Order of a Court of Equity shall direct the Sale of any Estate or Interest in Lands, and such Court of Equity shall so direct, it shall be lawful for the Person having the Carriage of the Decree or Order to petition the Court of Landed Estates for an Adjudication on the Title of the Owner of such Lands, and upon such Petition all Proceedings shall be taken as are herein-before directed upon the Petition of the Owner in possession.

Decree may dispense with Inquiry as to Incumbrances.

XCVIII. If in any such Case the Court of Equity shall desire that the Lands shall be sold in the first instance and without Inquiry as to Incumbrances, the Court of Landed Estates shall, upon the Requisition of such Court of Equity, investigate the Title to such Lands without any Inquiry as to the Incumbrances affecting the same, and upon being otherwise satisfied as to Title, shall vest the Lands in the Person named in such Requisition, freed and discharged of all Incumbrances whatsoever.

In case of Chattel Interest Exe-

XCIX. In any Case in which any Chattel Interest in Lands shall have been seized by any Sheriff or other Officer under any Writ of

of Fieri facias, or other Execution of any Court, it shall be lawful for the Plaintiff in such Execution to petition the Court of Landed Estates for an Adjudication of Title under this Act, and thereupon the Court shall issue its Precept to the Sheriff, commanding him to postpone such Sale until such Petition is disposed of, and such Chattel Interest shall continue bound by such Execution, although the Return thereof shall have expired; and upon the final Disposal of such Petition, the Sheriff shall, within a convenient Time, proceed to sell such Lands, without any further Writ or Order, notwithstanding the Time for the Return to such Writ of Execution shall have expired, and for all Purposes of such Sale, and for the Jurisdiction of the Court out of which the Execution shall issue, the Return of the Writ shall be held to be enlarged until *One Month* shall have elapsed from the final Order of the Court upon such Petition.

cution Creditor may Petition Court.

C. Upon the Petition of any Plaintiff in an Execution all Proceedings may be had as upon the Petition of the Owner in possession.

Proceedings may be heard thereon.

CI. The Moneys belonging to the Court Fund shall be lodged in the Bank of Ireland, to the Credit of the Accountant of the Court, and no Moneys shall be paid thereout except upon an Order of the Court; and all Drafts shall be signed by the Chief Remembrancer and One of the Judges of the Court, and shall be countersigned by the Accountant and Secretary.

Application of Court Fund.

CII. If in any Year the Proceeds of the Court Fund shall be more than sufficient to meet the Expenses hereby charged upon it, the Residue shall be paid into the Consolidated Fund.

Surplus to be paid to Consolidated Fund.

CIII. The Fees heretofore directed to be paid shall be applicable only to the Cases in which no previous Ownership of the same Estate or Interest has been registered under this Act; and as to all other Cases, it shall be lawful for the Judges of the Court, with the Approbation of the Commissioners of Her Majesty's Treasury, to fix a Scale of Fees applicable to such Cases respectively, but such Fees shall in no Case exceed those fixed by this Act; and such Schedule of Fees shall be laid before both Houses of Parliament, as already provided as to the General Orders of the Court.

Schedule of Fees to be fixed.

CIV. It shall not be necessary strictly to follow any Form set out in any Schedule to this Act, and it shall be lawful for the Court to adopt any similar convenient Form which to them shall seem meet.

Forms may be varied.

And whereas an Act was passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of the Reign of Her present
12 & 13 Vict. c. 77. Majesty, intituled "An Act further to facilitate the Sale and Transfer "of Incumbered Estates in Ireland:" And whereas a certain other Act was passed in the Session of Parliament holden in the Fifteenth
15 & 16 Vict. c. 77. and Sixteenth Years of the Reign of Her Majesty, intituled "An Act "to continue the Powers of applying for a Sale of Lands under the "Act for facilitating the Sale and Transfer of Incumbered Estates in "Ireland:" And whereas a certain other Act was passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years
16 & 17 Vict. c. 64. of the Reign of Her Majesty, intituled "An Act for continuing and "amending the Act for facilitating the Sale and Transfer of Incum-"bered Estates in Ireland:" And whereas a certain other Act was passed in the Session of Parliament holden in the Eighteenth and
18 & 19 Vict. c. 73. Nineteenth Years of the Reign of Her Majesty, intituled "An Act "to extend the Period for applying for a Sale under the Acts for "facilitating the Sale and Transfer of Incumbered Estates in "Ireland:" And whereas a certain other Act was passed in the Session of Parliament holden in the Nineteenth and Twentieth Years of the
19 & 20 Vict. c. 67. Reign of Her Majesty, intituled "An Act to extend the Period for "applying for a Sale under the Acts for facilitating the Sale and "Transfer of Incumbered Estates in Ireland, and to amend the said "Acts:" And it is expedient with reference to the said Acts, and to the Commissioners now authorized to execute the same, and the Affairs of such Commissioners to make the following Provisions: Be it enacted as follows; that is to say,

Judges and Officers of Incumbered Estates Court to continue.

CV. That Henry Martley, Esquire, now the Chief Commissioner under the said Acts, shall be the First Chief Remembrancer under this Act; that Mountiford Longfield, Esquire, and Charles James Hargrave, the Commissioners for executing the said Acts, shall be the other Two Judges of the Court first appointed under this Act; that Henry Carey, Esquire, Secretary to the said Commissioners, shall be the First Secretary to the Landed Estates Court under this Act; and that Stephen Woufe Flanagan, Esquire, Master in the Court of the said Commissioners, shall be the First Deputy Remembrancer under this Act.

Other Officers of that Court to be preferred in Appointments.

CVI. In appointing to any Office under this Act, the Persons making such Appointment shall give Preference and Priority to those Persons who now fill any corresponding Office or Employment in the Court of the Commissioners for the Sale of Incumbered Estates, if they shall be competent to fill such Office hereby created.

CVII. A

CVII. All the Powers of the said Commissioners shall cease and determine on the *First Day of January One thousand eight hundred and fifty-nine.* Powers of Commissioners to cease on 1st January.

CVIII. From and after the *First Day of January One thousand eight hundred and fifty-nine* the Court of Landed Estates shall, with reference to any Matters which shall then be depending in the Court of the Commissioners for the Sale of Incumbered Estates, have and exercise all such Powers and Jurisdiction as might be exercised by the Commissioners if this Act had not passed; and also with reference to making out Title to Land, and registering the Ownership thereof, all such Powers as they might exercise, if the Petitions had been originally presented to the Court of Landed Estates, and had prayed for an Adjudication of Title and a Transfer under this Act. Powers of Commissioners transferred to new Court.

CIX. With reference to Matters so pending, the Court may by any General Orders, provide for their Continuance in the Court in such Manner as to them shall seem meet. Power to make General Orders.

CX. It shall be lawful for the Court, with the Approbation of the Lord Chancellor, to make an Order that in any Case so pending, in which they shall so think fit to order, the Distribution of the Fund, and the Ascertainment of Incumbrances and Priorities, or any other Portion of the Business except the making out of Title, shall be transferred to the Court of Chancery, and upon such Order being made, such Matter shall be deemed for all Intents and Purposes to be a Cause depending in the Court of Chancery; and all Moneys standing to the Credit of such Matter shall be transferred to the Court of Chancery according to the Practice of that Court. Order to transfer Matters to Chancery.

CXI. Notwithstanding their Appointment as Judges of the Court of Landed Estates, the said Commissioners shall continue up to the *First Day of January One thousand eight hundred and fifty-nine* to exercise all Powers and Jurisdiction which they might have exercised as such Commissioners to all Intents and Purposes as if this Act had not passed. Commissioners to continue to 1st January, 1859.

CXII. In citing this Act for any Purpose whatever it shall be sufficient to cite it as "The Landed Estates Act (Ireland), 1858". Short Title of Act.

CXIII. In the Construction of this Act (except where the Context or other Provisions of this Act require a different Construction), Interpretation Clause.

The Word "Land" shall include and extend to Manors, Advowsons, Rectories, Messuages, Tithes, Lands, Tenements, Rents,

Annuities charged on Lands and Hereditaments of any Tenure, and whether such Land be held as Freehold or Chattel, or whether subject to any Fee-farm or other perpetual Rent, with or without the Condition of Re-entry for securing the same or otherwise, or whether corporeal or incorporeal, and whether a divided or undivided Share:

And the Word "Estate" shall include and extend to an Estate in Equity or at Law, and to an Equity of Redemption, and to the Benefit or Contract for a Right of Renewal, and whether in Fee or for any lesser Estate, or held by Lease for any Term:

The Word "Owner," as applied to Land, shall include any Person entitled in possession for an Estate in Fee Simple, or for any lesser, partial, or derivative or other Estate, corporeal or incoporeal, Freehold or Chattel, at Law or in Equity:

And the Words "Person or Owner" shall extend to a Body Politic or Corporate, as well as to an Individual:

The "Word Court" shall mean the Court of Landed Estates hereby created:

The Expression "full Court" shall mean the Tribunal hereby instituted, consisting of the Chief Remembrancer and the other Two Judges constituting together the Court of Landed Estates, in distinction from any of the Judges sitting separately and apart from the rest; but it shall not be deemed to make it necessary that at the sitting of such Tribunal more than One of such Judges should be present to execute the Powers of such full Court:

The Words "Memorandum of Transfer" shall mean the Memorandum entered in the Act Book of the Court of the Adjudication of Title and Conveyance of the Estate or Interest of the Lands:

The Words "Memorial of Transfer" shall mean the Transcript of such Memorandum herein-before directed to be delivered to the Party entitled thereto:

The Words "registered Owner" shall mean the Person whose Name is entered in the Books of the Chief Remembrancer as the Owner of any Estate or Interest in any Land:

And the Word "Judge" shall mean One of the Judges of the "Landed Estates Court, Ireland:"

And the Expression "the Judge" shall mean the Judge of the said Court before whom the Matter shall be pending, of which the Section is conversant:

And the Expression "Commissioners of Her Majesty's Treasury" shall mean the Commissioners of Her Majesty's Treasury for the Time being, or such Members of them as are competent to perform Acts for the said Commission at large, or the Lord High Treasurer for the Time being:

And

And the Word "Incumbrance" shall mean every Charge upon Land which is deemed an Incumbrance in a Court of Equity, and which a Court of Equity would discharge by a Sale of the Land charged or by the Appointment of a Receiver over the same:

And the Word "Incumbrancer" shall mean a Person entitled to an Incumbrance absolutely, or a Person entitled to the absolute or any partial or lesser Interest in an Incumbrance, or in any Part thereof:

And the Words "Lord Chancellor" shall mean as well the Lord High Chancellor of Ireland as the Lord Keeper or Lords Commissioners of the Great Seal for the Time being.

CXIV. This Act shall only extend to Ireland.

Act to extend only to Ireland.

SCHEDULES.

SCHEDULE A.

Officers.	Annual Salaries.
Secretary	£1,000.
Registrar	
Assistant Registrar	
Each Examiner of Title	
Taxing Master	
Accountant	
Deputy Remembrancer	£1,200.
Chief Clerk in Remembrancer's Office	
Clerk to each Judge	
Clerks of Court and in Chief Remembrancer's Office.	Salary to be fixed by Minute of Appointment.

SCHEDULE B.

Form of Memorandum of Transfer, referred to in Section 66.

Adjudication of Title and Conveyance in Fee Simple.

20th February 1859.

Be it remembered, That on this Day Charles Wilson, Esquire, of Anandale, in the County of Dublin, came before the Court of Landed Estates in Ireland, and having first performed all Things in that Behalf required by Law, prayed that the Court might adjudge him his Estate and Interest in the following Lands; that is to say, [*describe them, and state County, Barony, and Parish, with reference to the Map annexed*]; and thereupon the Court doth adjudge the said Charles Wilson to be well entitled to all the said Lands for the following Estate or Interest therein; that is to say,

(*a*) To an Estate in Fee Simple in all the said Lands.

Subject

Subject nevertheless to the several Incumbrances set forth in the First Part, and to the Tenancies set forth in the Second Part of the Schedule hereunto annexed.

And the Court, by Desire and at the Request of the said Charles Wilson, (*b*) doth hereby convey and assign the said Lands to William Morgan and his Heirs, to the Use nevertheless of the said Charles Wilson, his Heirs and Assigns, for ever.

Or varied as follows, or according to Circumstances :—

(*a*) To an Estate for his own Life in all the said Lands.

(*a*) To an Interest in the said Lands for and during his own Life for all the Estate and Interest conveyed by a certain Lease of the said Lands made for Ninety-nine Years, by the Right Honourable the Earl of Howth, on the Twenty-first Day of January One thousand eight hundred and twenty, at the annual Rent of One hundred Pounds a Year, to all the Benefits of which Lease the Court doth hereby adjudge the said Charles Wilson to be entitled for his own Life, but forasmuch as the Court is not informed of the Title of the said Earl to the said Lands, the Court doth not make any Declaration thereon, but as against the said Earl, and all Persons claiming the said Lease, the Court doth adjudge and declare the said Charles Wilson to be well entitled as aforesaid.

(*b*) Doth hereby, in consideration of the Sum of Ten thousand Pounds paid by the said *C.D.* to the said Charles Wilson, the Receipt whereof the said Charles Wilson hath acknowledged in open Court, convey and assign the said Lands for all the Estate and Interest so as aforesaid adjudged to the said Charles Wilson to the said *C.D.*, his Heirs and Assigns for ever.

(*b*) Doth hereby convey and assign the said Lands to Sir Richard Wilson, Baronet, and Thomas Green, Esquire, upon certain Trusts contained in an Indenture bearing Date the Nineteenth Day of February One thousand eight hundred and fifty-nine, being the Settlement executed on the intended Marriage of the said Charles Wilson and Mary Connelly.

SCHEDULE C.

Memorandum of Transfer by registered Owner.

[*Date.*]

Be it remembered, That on this Day came before the Court of Landed Estates in Ireland as well *A.B.* of as *C.D.* of , and it being shown to the Court that the said

A.B. is now duly inscribed in the Books of the Chief Remembrancer as Owner in Fee Simple of all that those [*describe Premises, and state County, Barony, and Parish*], subject nevertheless as therein mentioned; and the said *A.B.* having, in consideration of the Sum of One thousand Pounds, the Receipt of which the said *C.D.* doth hereby in open Court acknowledge, conveyed and assigned all his Interest in the said Lands to the said *C.D.*; and thereupon the Court doth hereby adjudge the said Lands to be vested in the said *C.D.*, his Heirs and Assigns for ever, for all the Estate and Interest of the said *A.B.* therein, subject only to the Incumbrances and Tenants Leases set forth in the First and Second Parts of the Schedule hereunto annexed.

SCHE-

SCHEDULE D.

Form of Entry of Ownership.

Book , Page .

County of Cork. Barony of Imokilly. Parish of Cloyne.

Townland.	Subdenomination, if any.	Description of Premises.	Name of Owner.	Estate or Interest of Owner.		Reference to Act Book.	Observations.	Entries to be made.
				Owner's Estate.	Interest, if less than the Fee, out of which derived.			
Clonpriest	Annadale -	Mansion House and Demesne; as on Map.	James Green	For Life -	Lease for 99 Years, dated May 20, 1830 (*describe Parties and Rent*).	Feb. 20, 1859	Lessor's Title not guaranteed.	—
	Merville -	Several Farms as on Map.	James Green	In Fee -	- - -	Feb. 20, 1859	—	—
	Carrigvar -	Farm as on Map -	James Green	In Fee -	- - -	Feb. 20, 1859	- -	Demised by Act of Court, June 15, 1859 (see Act Book and Schdule).

Schedule relating to Interest of James Green in the above Lands of Clonpriest.

Part 1.			Part 2.				
Incumbrances.			Tenancies.				
Deed.	Incumbrancer.	Amount.	Premises demised.	Tenants.	Term.	Rent.	Date of Lease.
Deed of Mortgage of House and Demesne of Annadale, dated May 1, 1840.	John Wood - -	£ 1,000 s. 0 d. 0	Part of Lands of Carrigvar (*describe them*).	Wm. Hilton	21 Years.	£ 60 s. 0 d. 0	May 1, 1850.
			Ditto (*describe them*).	James Reed	The Lives of A. B, C. D., and E. F.	120 0 0	Sept. 21, 1847

Landed Estates.

(Ireland.)

A

B I L L

To simplify the Title to Landed Estates in Ireland.

(*Prepared and brought in by Mr. Butt and Colonel French.*)

Ordered, by The House of Commons, *to be Printed,* 3 *June* 1858.

[Bill 103.]

Under 4 *oz.*

6 *July* 1858. 21 & 22 Vict.

(Ireland.)

A

BILL

TO

Amend the Law of Landlord and Tenant and to facilitate the Improvement of Land in Ireland.

Preamble.

WHEREAS it would tend to the Improvement of Land in Ireland if proper Provision were made for securing to Tenant Farmers the Benefit of their Expenditure in executing and maintaining such Works of Land Improvement as are herein-after mentioned, undertaken by them, with the Consent of their Landlord, at any Time after the Commencement of this Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms.

I. In the Construction of this Act, except where the Nature of the Provision or the Context shall exclude such Construction, the Words "the Lord Lieutenant" shall mean Lord Lieutenant or other Chief Governor or Governors of Ireland for the Time being:

The Word "Commissioner" shall mean the Commissioner of Valuation in Ireland for the Time being:

The Word "Person" or "Party" shall extend to and include any Body Politic, Corporate, or Collegiate, whether aggregate or sole, or any public Company, as well as a private Individual:

The Word "Landlord" shall be construed to mean the Person or Party for the Time being entitled to a vested Right to the Possession of his Tenant's Land immediately on the Determination of such Tenant's Interest, the Person or Party in the Receipt of the Rent payable by such Tenant (including a Receiver appointed by the Court of Chancery) being deemed to be rightfully entitled to such vested Right, and shall include the Person or Party entitled as aforesaid at the Time of the Determination of such Tenancy, and shall also include the Person equitably entitled to and in receipt of the Rents and Profits, whether the Interest of such Landlord (legal or equitable) shall have been acquired by original Contract, lawful Assignment, Devise, Bequest, or Act or Operation of Law;

The Word "Tenant," unless otherwise restricted, shall be construed to mean a Person or Party in the actual Occupation of Land let for Pasture or Cultivation, and which shall not have been let to such Person or Party in or for Conacre, or for One or Two Seasons only, or for a special or temporary Purpose, but shall be held by such Person or Party as Tenant from Year to Year, or for a Term of Years absolute or determinable on the dropping of a Life or Lives or for a Term of Life or Lives, and shall include the lawful Representatives of such Tenant, and generally all Parties claiming or deriving Title from, through, or under such Tenant by lawful Assignment, Devise, Bequest, or Act or Operation of Law:

The Expression "Assistant Barrister" shall extend to and include the Recorder of the City of Dublin, and the Chairman of the Sessions of the Peace for the County of Dublin:

The Expression "Clerk of the Peace" shall extend to and include the Registrar of the Chairman of the Sessions of the Peace of the County of Dublin, so long as such Registrar shall continue in Office, and the Registrar of Civil Bills for the City of Dublin, and also the Acting or Deputy Clerk of the Peace or Registrar or other Officer discharging the Duties of such Clerk of the Peace or Registrar:

The Word "serve" shall be construed to mean either personal Service, or Service on the Attorney, Agent, or Receiver of the Person to be served, or through the Post Office:

The Word "County" shall extend to and include a County of a City and County of a Town and a Riding of a County, and where any Land shall be situate within One or more Districts or Divisions, Counties or Ridings, such Land shall be deemed for the Purposes of this Act to be situate within the District, Division, County, or Riding within which the greater Part of such Land shall be situate.

II. This

Commencement of Act.

II. This Act shall commence and take effect on the *First Day of January* next after the passing thereof.

Short Title of Act.

III. In citing this Act in other Acts of Parliament, and in legal or other Instruments and Proceedings, it shall be sufficient to use the Expression "The Tenants Improvements Act (Ireland), 1858."

Section 3. of 14 & 15 Vict. c. 25. repealed.

IV. From and after *the Commencement of this Act*, the Third Section of an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty, Chapter Twenty-five, enabling Tenants to remove certain Buildings and Fixtures erected by them on their Farms in certain Cases therein mentioned, so far as the same relates to Ireland, shall be and the same is hereby repealed, except so far as relates to any Act, Matter, or Thing done under the said Section of the said Act before *the Commencement of this Act*, which shall remain valid and effectual to all Intents whatsoever.

The Commissioner of Valuation in Ireland to be the Commissioner for carrying this Act into execution.

V. The Commissioner of Valuation in Ireland for the Time being shall be the Commissioner for the Purpose of carrying this Act into execution; and it shall be lawful for the Commissioner, with the Consent and Approbation of the Lord Lieutenant and of the Commissioners of Her Majesty's Treasury, to appoint such Persons as may be necessary for the Purposes of this Act, and from Time to Time to remove any of such Persons, and to appoint others in the Place of the Persons so removed, and to prescribe such Forms and make such Rules and Regulations as may be necessary for the Guidance and Observance of Persons availing themselves of the Provisions of this Act, and the Persons appointed by him as aforesaid.

Tenant not entitled to execute Works under this Act without Consent of Landlord.

VI. No Tenant shall be entitled to execute or claim to execute any Work under this Act, without the Consent in Writing of his immediate Landlord first had and obtained in the Manner herein-after mentioned.

Tenant in certain Cases not entitled to execute Works under this Act.

VII. No Tenant shall be entitled to execute or claim to execute any Work under this Act on any Land or Ground let for building only, or let by the Foot or other local Measurement, calculated upon the Extent of Frontage to any Road or Street, or let under Provisions that such Letting was intended for building, or let for any other than strictly agricultural Purposes.

Tenant desiring to execute Works to serve Notice on the Commissioner.

VIII. When any Tenant shall be desirous of executing any Work specified in Schedule (A.) to this Act annexed, and shall have obtained the Consent of his Landlord in Writing thereto, he shall serve a Notice of his Intention so to do on the "Commissioner," and such

such Notice shall be in the Form mentioned in the Schedule (B.) to this Act, and shall have annexed thereto a Specification of the Work intended to be executed, and a Map or Plan thereof, drawn upon so much of the engraved Six-Inch Scale Ordnance Townland Maps, or on a Tracing thereof, or prepared in such other Manner as shall be sufficient to show the Situation and the Nature and Extent of the proposed Work, and such Notice shall be signed by such Tenant, and the Consent in Writing of his immediate Landlord shall be annexed thereto, and such Specification shall be prepared, so far as the Nature of the Work will admit, in conformity with the Terms of the Specification, and subject to the Regulations, mentioned in the Schedule (C.) to this Act annexed.

Commissioner may make an Order sanctioning the Execution of the Works.

IX. The Commissioner shall, as soon as conveniently may be after the Receipt of such Notice, Specification, and Plan, and after such Security shall be given by the Tenant as is herein-after mentioned, in case the Commissioner shall require Security, make and sign an Order authorizing the Execution of such Work: Provided always, that in no Case shall the Commissioner order the Execution of any Work mentioned in such Notice unless such Work shall fall within some One or more of the Classes of Improvements mentioned in Schedule (A.) to this Act annexed.

Commissioner may sanction Alteration of Works.

X. When any Work shall have been undertaken, under the Provisions of this Act, it shall be lawful for the Commissioner, upon the Application of the Tenant, from Time to Time to sanction the Alteration or Reconstruction of such Work, provided that the Consent in Writing of the immediate Landlord of such Tenant shall be annexed to such Application, and provided also that the entire Cost of such Work, and of such Alteration or Reconstruction, shall not exceed the Amount specified in the Scale of Valuation for similar Works mentioned in Schedule (A.) to this Act annexed.

When Works are completed by Tenant, Commissioner to ascertain the Value of same.

XI. Within *One Month* after such Work shall have been completed by any Tenant, such Tenant shall cause Notice in Writing of the Completion thereof to be sent to the Commissioner, who shall thereupon inquire into the Manner in which such Work shall have been executed, and may cause such Works to be inspected, if he shall think it necessary so to do, and shall thereupon certify under his Hand that such Works appear to him to have been executed in conformity with the Specification signed by such Tenant and approved of by such immediate Landlord, as herein-before mentioned, and shall state therein the Value of the same; and when any subsequent Valuation shall be made, under the Provisions of this Act, the Value of the Work shall be calculated in its then existing State, all proper Deductions

Deductions being made for Wear and Tear, Depreciation or Waste, which such Work shall have sustained subsequently to the last made Valuation thereof: Provided always, that in no Case shall any such Work be valued at a Rate exceeding the Amount allowed for such Work, and specified in the Scale of Valuation in Schedule (A.) to this Act annexed.

When Works are in progress, any Person interested may enter on Land, and inspect Works.

XII. When any Works undertaken under the Provisions of this Act shall be in progress, it shall be lawful for any Person interested therein, or any Person duly authorized by such Person, to enter at all reasonable Times upon the Lands and Premises, to inspect the same.

No Tenant, having obtained a Certificate in respect of Works, to be evicted without having the Value of same ascertained and allowed for.

XIII. No Tenant who shall have executed any such Work, in part or in whole, under the Provisions of this Act, and obtained a Certificate from the Commissioner in respect thereof, as herein-before mentioned, shall be evicted from the Holding whereon the same shall have been executed, or shall be bound to deliver up Possession of the same, until the Amount of the then actual Value of such Work shall have been ascertained and paid or allowed for as herein-after mentioned; and in order to determine such Value it shall be lawful for any Person interested therein, by Notice under his Hand, to require the Commissioner to ascertain the then existing Value of such Work, and thereupon the Commissioner shall take such Proceedings as are by this Act directed to be taken in ascertaining such Value, and shall make and sign a Certificate fixing the Amount thereof.

Landlord to make Set-off, in certain Cases

XIV. In all Cases in which the Landlord is liable to the Payment of any Sum of Money for any Work under the Provisions of this Act, he shall be entitled to make a Set-off or Deduction from the Amount thereof, for wilful Injury to such Work or to the Lands or Premises whereon the same shall have been executed, or for any Arrear of Rent or Taxes or Assessments remaining unpaid by such Tenant, or for or in respect of the Breach of any Covenant or Agreement in respect of such Holding which the Person was bound to fulfil; and in all Proceedings for recovering the Value of such Work the just Amount of such Set-off or Deduction shall be allowed: Provided always, that a full Notice of such Set-off or cross Demand in Writing, signed by the Landlord, his Agent or Attorney, shall be given at least *Six* Days before the Day of the Quarter Sessions at which the Case may be heard.

Tenant evicted for Nonpayment of Rent

XV. No Tenant, after having been served with an Ejectment for Nonpayment of Rent of any Holding, and after having been paid or allowed for any Work executed thereon, under the Provisions of this

cannot redeem, in certain Cases.

Act, shall be entitled to redeem such Holding, any Law to the contrary notwithstanding.

Landlord may receive a Fine equivalent to the Amount he is liable to pay from an incoming Tenant.

XVI. Any Landlord who shall have paid or be liable to pay any Sum or Sums of Money to any outgoing Tenant for any Work under this Act may receive from an incoming Tenant the Amount thereof, notwithstanding that such Landlord may be prohibited by any Deed or Writing from receiving any Fine, Premium, or other Consideration upon the letting of the Premises.

Tenant may hold Lands until Landlord pays or elects to pay for Works.

XVII. If upon the Expiration or Determination of any Tenancy the Landlord shall not pay or undertake to pay the Amount of the Value of the Work, as ascertained as aforesaid, the Tenant shall continue to hold the Premises at the same Rent at which they shall have been previously held, or until such Amount shall have been paid to such Tenant by some other Tenant of whom the Landlord shall approve: Provided always, that no Tenant who shall have purchased or derived from, through, or under a preceding Tenant, or shall have paid the Landlord for such Work as aforesaid, shall be evicted without having the then existing Value of such Work ascertained as aforesaid, in like Manner as if such Work had been executed by such Tenant under the Provisions of this Act.

Provision for the Recovery of the Value of Works.

XVIII. Any Tenant entitled on Eviction to any Money for the Execution of any Work under this Act may proceed by Civil Bill for the Recovery of the same before the Assistant Barrister at any General or Quarter Sessions of the Peace to be held in and for the Division of the County where the Lands shall be situate, subject to such Grounds of Defence, if any, and to such Set-off and Deductions, as are herein-before mentioned; and it shall be lawful for the Court which shall adjudicate on any such Tenant's Claim, at the same Time and by the same Decree or Judgment or Order to adjudicate on such Set-off or cross Demand, by deducting the Amount thereof from such Claim, or by giving a Decree or Verdict or Order for the Defendant, in Cases where the Amount established as a Set-off or cross Demand shall exceed the Amount which the Tenant is entitled to recover.

Assistant Barristers to settle Schedule of Fees.

XIX. The several Assistant Barristers in Ireland, or any *Fifteen* of them, shall, within *One Year* after the passing of this Act, settle a Schedule of Fees to be allowed for all Proceedings connected with this Act, such Costs not to exceed in any Case Civil Bill Costs in Ejectment Proceedings; and such Schedule, when settled, shall be immediately laid before the Lord Chancellor of Ireland for the Time being, for his Approval, who may allow or disallow the same, in whole or

or in part, and such Schedule of Fees may be in like Manner varied, from Time to Time, as Occasion may require.

Where Sum sought to be recovered shall amount to Two hundred Pounds or upwards, Appeal may be made to Judge of Assize.

XX. Where the Amount sought to be recovered before the Assistant Barrister under the Provisions herein-before contained shall amount to *Two hundred Pounds* or upwards, any Person interested in the Premises who may desire to appeal from the Order or Decision of the Court of General or Quarter Sessions may, within *One Month* after the First Day of the Sessions for the Town or Place at which such Order shall have been made, appeal against the same to the next going Judge of Assize at the Assizes to be held next after such Quarter Sessions for the County or Riding within which such Order shall have been made, unless where any such Assizes shall commence within *Fourteen* Days from the Date of such Order, in which Case the Appeal may be made at the next succeeding Assizes for such County, giving to the Person or Persons who shall have appeared on the Hearing of the Case at Sessions, or to the known Agent or Attorney of such Person or Persons, Notice in Writing of such Appeal *Ten* clear Days at the least before the First Day of such Assizes: Provided always, that the Person appealing, or some Person on his Behalf, shall enter into a Recognizance, with Two sufficient Sureties, in the Sum of *Pounds*, before some Justice of the Peace, conditioned to try such Appeal at such Assizes, and to abide the Order of and to pay such Costs as shall be awarded by the Court at such Assizes, and within *Three* Days after such Recognizance shall have been entered the Party appealing shall cause the same to be delivered to the Clerk of the Peace for such County, who shall retain the same amongst the Records of such County, and the Clerk of the Peace shall enter such Appeal in the List of Appeals for the Assizes at which the same ought to be heard, and shall be entitled to receive from the Party so appealing a Fee of *pence* for recording such Recognizance and entering such Appeal.

Documents to be entered in certain Books.

XXI. The Commissioner shall cause all Documents and other Proceedings relating to the Execution of this Act to be entered of Record in proper Books to be kept for such Purpose; and all such Books shall be open to public Inspection, on Payment of such Fee as the Commissioner shall direct; and the Commissioner shall cause Copies of any such Documents to be delivered to every Person requiring the same, on Payment of such Sum as the said Commissioner shall direct.

Commissioner may cause Deposit to be

XXII. The Commissioner may, at any Time after he shall have received Notice of any intended Work, require the Tenant giving such Notice to give such Security for the due Completion of such

made or may take Surety.

Work, by a Deposit of such Sum of Money, or partly by such Deposit and partly by Bond, or otherwise, and in such Manner, as the Commissioner may direct.

Act shall extend to Ireland only.

XXIII. This Act shall extend to Ireland only.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

DESCRIPTION OF WORKS.

(Calculations to be made according to Statute Measure.)

Farmhouses.

No Valuation for any Farmhouse to exceed the last made general Tenement Valuation of the whole of the Land in the actual Occupation of any Tenant under his immediate Landlord, unless such Tenement Valuation shall be under *Ten Pounds*, in which Case *Ten Pounds* shall be the maximum Valuation. No Valuation for a Farmhouse to exceed *Five hundred Pounds.*

Farm Offices.

Farm Offices to include Barn, Stables, Houses or Sheds for agricultural Stock, Stores for agricultural Produce or Implements, Mill for scutching Flax, Overseer's House or Office, Labourers Cottage or Cottages (provided such Labourers Cottage or Cottages be not let with any Portion of Land), also a Well, a Limekiln, Tanks, Walls and Gates for inclosing any of the foregoing or an adjoining Stackyard, Paving Yards, and all Drainage necessary for such Farm Offices. Overseer's House or Office not to exceed *One Twelfth* Part of the Valuation of the whole of such Farm Offices; Labourers Cottage or Cottages not to exceed *One Twentieth* Part of the same; Flax Mill not to exceed *One Fifth* Part of the same, including Mill Lead, Tailrace, and Weirs. No Machinery to be valued.

All Valuations for any such Set of Farm Offices are limited as herein-before provided for a Farmhouse.

Farm Roads.

No Valuation for such Works to exceed *Three Shillings* per lineal Perch, exclusive of Fences.

Open Main Drains.

No Valuation for such Works to exceed *Three Shillings* per lineal Perch.

Covered Field Drains (*not connected with Thorough Drainage*).

No Valuation for such Works to exceed *Two Shillings* per lineal Perch.

Thorough Drainage.

No Valuation for such Works to exceed *Three Pounds* per Acre.

Subsoiling by Manual Labour.

No Valuation for such Works to exceed *Three Pounds* per Acre. Subsoiling to include filling and levelling cut-out Bogs, worn-out Quarries, Sand, Gravel, Marl, or Clay Pits.

Claying, Marling, Gravelling, or Liming.

No Valuation for such Works to exceed *Three Pounds* per Acre.

No Application for such Works to be allowed, except for Reclamation of Waste Land.

Clearing Land of Rocks.

No Valuation for such Works to exceed *Three Pounds* per Acre.

Irrigation.

No Valuation for such Works to exceed *Three Pounds* per Acre when executed on the Ridge System, or *Two Pounds* per Acre on the Catch-work System.

Embankments from Rivers or Lakes.

No Valuation for such Works to exceed *Fourpence* per Cubic Yard of Embankment, including Cost of Sluices.

Fences.

No Valuation for such Works to exceed *Three Shillings* per lineal Perch of Stone Wall Fence, or *Fifteen-pence* per lineal Perch of Ditch and Bank Fence, including Quicks.

Levelling useless Fences.

No Valuation for such Works to exceed *One Shilling* per lineal Perch.

Field Gates (*Fixtures, and forming Part of Fences*).

No Valuation for such Works to exceed *Two Pounds* for an Iron Gate, including all necessary Fittings, and Wood, Iron, or Stone Posts or Piers, or *Twenty-five Shillings* for the Gate and Fittings.

No Valuation for such Works to exceed *Twenty-five Shillings* for a Wooden Gate, including all necessary Fittings and Wooden Posts, or *Five Shillings* for the Gate and Fittings.

SCHEDULE (B.)

Notice of proposed Improvements.

Name of immediate Landlord.

Last known Residence.

Post Town.

Name of known Agent, Receiver, or Attorney of such Landlord (*distinguishing which*).

Post Town County of

Barony of Townland of

Contents of Holding A. R. P.

Last general Tenement Valuation of Holding £ . *s.* *d.*

No. of Ordnance Sheet.	No. on Plan.	Quantity.	———	Rate. £ *s.* *d.*	Amount. £ *s.* *d.*
			Farm Dwelling Houses - - -		
			Farm Offices - - - -		
			Perches of Farm Roads - - -		
			Perches of open Main Drainage - -		
			Perches of covered Drains (not Thorough Drainage) - - - -		
			Acres to be Thorough drained - -		
			Ditto ditto - - -		
			Acres to be subsoiled by manual Labour -		
			Ditto ditto - - -		
			Acres to be cleared of Rocks - -		
			Ditto ditto - - -		
			Acres to be clayed or gravelled, or marled or limed - - - -		
			Ditto ditto - - -		
			Acres to be irrigated on the Ridge System		
			Acres to be irrigated on the Catch-work System - - - -		
			Perches of Stone Fences - - -		
			Perches of open Ditch and Bank Fences -		
			Perches of useless Fences to be levelled -		
			Perches of Embankments - -		
			Iron Field Gates (Fixtures) - -		
			Ports or Piers for ditto - - -		
			Wooden Gates (Fixtures) - -		
			Ports or Piers for ditto - -		
			Total - £		

I hereby give Notice, That I propose to execute the above-named Works. Dated this Day of .

Signature of Tenant.
Residence.
Post Town.

I hereby give Notice, That I consent to the Execution of the above-named Works, under the Provisions of "The Tenants Improvement Act (Ireland), 185 ."

Signature of immediate Landlord.

SCHEDULE (C.)

GENERAL SPECIFICATIONS for regulating the maximum Valuation.

Farm Buildings.

Farmhouses and Farm Offices may be executed according to the Specification approved of by the Commissioners of Public Works in Ireland, and sanctioned by the Commissioners of Her Majesty's Treasury, or according to such other Form as the Commissioner of Valuation shall, with the Sanction of the Lord Lieutenant, from Time to Time prepare.

Farm Roads.

The Roadway to be at least Fourteen Feet wide, clear of the Fences, and to have easy Gradients; the vegetable Earth to be removed, and a firm Foundation made to receive the metalling on the Cross Section; the Roadway to be brought to a regular Curve, so as to have a Fall of Two Inches to the Yard from the Centre to each Side.

The Roadway to be properly drained; Gripes to be on the Field Side of the Fences; durable Stone Outlets to be made through the Fences from the Roadway into the Gripes, to carry off the surface Water.

When the Surface has been formed and perfectly consolidated, Three Inches at least of broken or Field Stones, not exceeding Two and a Half Inches in Diameter, or of good Gravel, to be laid thereon to a uniform Depth, extending from Fence to Fence, and the whole to be covered with good Blending of an Inch in Depth.

The Water Tables to be neatly regulated, so that no Water can at any Time remain in them.

When the Road passes through Bog, there shall be a Soiling of Nine Inches of good tenacious Soil, with One or more Layers of Sodding under the Soiling. The proper Drainage of the Bog to be first attended to, and in no Case the Soiling to be put on until ample Time has been allowed for Subsidence.

Open Main Drains.

When sufficient Outfall can be obtained, no open Main Drain to be of less Depth than Five Feet. They shall have Gradients of such Inclination and be sunk to such a Depth below the Surface of the Lands as to secure efficient Drainage, so that Floods shall not prevent the proper Discharge of all covered Drains; and to prevent Cattle from crossing, they shall have such Width at Top and Bottom and Side Slopes as may be necessary, and be free from sharp Angles, projecting Stones, and other Impediments to the quick Discharge of the Water.

The

The Spoil or Material raised in sinking and improving them, when not used for filling up useless Holes or Drains, to be removed to a proper Distance from the Edges of the Main Drains, and dressed off in a workmanlike Manner.

The Abutments and Piers of such Bridges, and the Side Walls of such Gullets as have sufficient Breadth of Waterway (if necessary), to be carefully under pinned, and those Bridges or Gullets which are insufficient to discharge Floods to be taken down and carefully rebuilt of suitable Dimensions and Materials.

Covered Drainage (*not Thorough Drainage*).

All covered Drains not connected with or coming under the Denomination of Thorough Drainage to be executed according to the Specification for One or other of the several Classes of Drains hereinafter enumerated for Thorough Drainage.

THOROUGH DRAINAGE.

Covered Mains.

Whenever, from the Extent of Land to be drained, covered Main Drains are requisite, their Depth, and the Dimensions of the Conduits therein, shall be sufficient to discharge the Water from the Sub-Mains. When the Conduit is formed with Stone or Brick, the Bottom of the Drain is to be well paved or flagged, the Side Walls to be well built, and the whole to be covered in with Flags of sufficient Thickness, or an Arch, or the Conduit may be made with Tiles or Pipes.

Sub-Mains.

These shall be carried along the low Sides of Fields to be drained at a Distance from the Fences equal to the Distance between the parallel Drains; along the low Sides of other Portions of Land to be drained, when remote from Fences, and through natural Hollows, where necessary, they shall be sunk to a sufficient Depth, and have a Conduit, such as before described, sufficient to discharge the Water.

No Sub-Main to be allowed to run more than a suitable Length without discharging into a covered or open Main Drain.

Minor Parallel Drains.

These are to be run in a straight Direction, parallel to each other, up and down the Declivity (if any), unless when the Land is very steep, in which Case they are to be carried across the Fall at such an Angle as to secure a free Discharge for the Water. They are to be of such Depth, at such Distances apart, and so laid off and constructed, as to secure the uniform Drainage of the Land.

Their Conduits shall be formed either with not less than Ten Inches in Depth by Six Inches in Width (on an Average) of Stones, not exceeding Two and a Half Inches in Diameter, or with Pipe or other Tiles of sufficient Ope to discharge the Water freely. No minor Drain to be allowed to run beyond a suitable Length without discharging into a Sub-Drain.

General Rules for Thorough Drainage.

1. Before laying any Conduit, Care to be taken that the Bottom of the Drain is clear, and that no Water is standing therein.

2. Throughout the whole Length of each of the Drains above described such Conduit as before mentioned as applicable thereto is to be formed respectively, proper Care being taken in doing so to commence at the Head of the Drains, and that no Clay or Dirt be put in when laying the Conduit. According to the Conduit is formed it is to be covered with suitable protective Material, the filling in is then to be completed, observing to keep the active Soil for the Top.

3. No open Drain is to be allowed to run into a closed One.

4. In passing through unfavourable Ground caused by running Sand or otherwise whereby the Level of the Conduit might be deranged, and where Pipes or Tiles are the Materials used for forming the Conduit, Collars must be used.

5. Soles must in all Cases be used when laying single Tiles, and they must be so laid that the Ends of the Tiles shall rest equally on them. When inverted Tiles are used they shall be connected from End to End by breaking Joint.

6. The Mouths of the covered Main or Sub-Main Drains shall be built about with Masonry, carried up with the same Slope as the Sides of the open Main Drain into which they discharge themselves.

Subsoiling by Manual Labour.

The Soil to be loosened and pulverized to an uniform Depth of at least Twelve Inches below the Surface, so that it can be easily raised by a Shovel. On Inspection, all Stones to be removed.

Claying, Marling, Gravelling, or Liming.

Not less than One hundred and sixty Cubic Yards of Clay or Marl or Gravel (including Shell or Coral Sand), or Two hundred Bushels of Lime, to be evenly spread on the Surface of each Acre of Waste Bog or Moor or Mountain or other Waste Land, which shall be dry naturally, or have been drained (and levelled, if necessary), previous to the Application of same, and in all Cases the Reclamation to be complete.

Clearing

Clearing Land of Rocks.

These to be removed so as to admit of the Soil being tilled by the Plough, without obstructing its Progress, to an uniform Depth of Twelve Inches at least.

IRRIGATION.

The Ridge System.

The Ridges to be not wider than Forty Feet, to be evenly formed with Fall of at least One Inch from the Crown to the Furrow for every Five Feet; their Feeders to be carried along the Centres of the Crowns of the Ridges of such Width and Depth only as shall secure a full Supply of Water being carried to their extreme Ends, to which they shall gradually contract so as to force the Water evenly over their Sides along their entire Length. Stops to be placed at such Distances as may be requisite to secure such uniform Overflow. Discharging Drains to be cut in the Furrows parallel to the Feeders.

Catch Work.

Conducting Feeders from the Main Feeders to be carried down the Declivity of such Dimensions as shall secure a sufficient Supply of Water to the minor or level Feeders. Sluices to be set in the conducting Feeders at each of the Junctions with the minor or level Feeders, so as to keep them full whilst watering, and to empty them when requisite. The minor or level Feeders to be not further asunder than Forty Feet; the Fall between each of such last-named Feeders to be not less than Two Inches in Twenty Feet. They shall be only of sufficient Depth and Width to carry a sufficient Supply of Water to their extreme Ends, to which they shall be run level, gradually contracting so as to force the Water evenly over their Sides along their entire Length. The Land between these minor or level Feeders to be brought to, where necessary, an even Slope, so that every Part thereof may be watered when requisite.

General Rules for Irrigation.

All Drains to have sufficient Side Slopes, and to be of such Dimensions as shall secure the Discharge of the Water from the different Parts of the Meadow as fast as it is brought on.

All Main Feeders to be carried along the highest Side of the Land irrigated at such a Level and of such Dimensions, with such Side Slopes and Embankments, and with proper Sluices, set at such Intervals as shall secure the Water being conducted to all the minor Feeders requisite to flood the Portion of Land to be irrigated.

The Masonry or Earthwork in which the Sluices are set to be executed in a permanent Manner, so as to be staunch.

The Sluice Gates to be easy to work, and at the same Time staunch. In all Cases where the Channels necessary for Irrigation are insufficient for the under Drainage of the Land, such Drains shall be made as shall be requisite to carry off the under Water, but no Feeder shall be so constructed as to cause the Water to flow over any such Drain.

Embankments from Rivers or Lakes.

These to be formed of the best Materials which can be obtained conveniently for the Purpose; to be well tramped and puddled according as carried up, so as to be perfectly staunch; to be of such Material and Dimensions and with such Side Slopes and Stone or Sod Pitching as shall secure Stability and Protection of the Land from Flood. When self-acting Sluices are requisite, they are to be made of good, sound, and suitable Materials, with sufficient Waterway, and set at such a Level as may be necessary for the Drainage of the adjacent Lands.

FENCES.

Ditch and Bank Fences.

The Banks, whether made of Stones, Earth, or Clay, to be of such Height and Thickness at Bottom and Top as to secure Durability and Protection, and at the same Time to cause as little Waste of Land as possible. When Quicks are used they are to be kept clear from Grass and Weeds.

The Gripes to be of such Depth and Width at Top and Bottom, and to have such Side Slopes, as to secure Durability and Protection, and as may be necessary for the Discharge of Drainage Waters to a Level of at least Four Feet (when practicable) below the Surface of the Fields which they enclose.

Stone Fences.

These to be at least Four Feet Six Inches in Height, formed with the broadest and flattest Stones at Bottom. They shall not be more than Two Feet wide at Bottom (unless when built with Mortar), and sloped or battered gradually to Sixteen or Eighteen Inches wide at Top, with Three thorough bond Stones at least to every lineal Perch. The Coping to be Scotch Coping or other approved Kind, firmly set in Mortar, and evenly laid throughout.

General Rule.—All Fences to be run in straight Lines when practicable, unless where otherwise desirable for Shelter.

Levelling

Levelling useless Fences.

The Levelling to be complete down to and level with the natural Surface of the Land.

Field Gates (*Fixtures*).

Iron Gates.—To be made of malleable Iron; to be not less than Eight Feet Six Inches wide, with Head and Back Stile Pieces, averaging One and a Half Inch by One Quarter Inch at least; the whole to be morticed, rivetted, and braced so as to secure Stability; to be provided with suitable Hinges and Fastenings, and to be hung so as to open and close freely.

Wooden Gates.—To be made of good sound well-seasoned Timber, the Back Stiles Five Inches by Three and a Half Inches at least, the Head Pieces Three by Three Inches at least, with Five Bars averaging Three and a Half Inches by One and a Half Inch at least, well mortised into the Head Pieces and Back Stiles, and well braced, nailed, or rivetted so as to secure Stability; to be provided with suitable Hinges and Fastenings, and to be hung so as to open and close freely.

General Rule for Field Gates hung as Fixtures.

All Gate Posts or Piers to be of sufficient Substance and Height, and to be sunk and secured at Base so as to effectually support the Gates to which they are hung.

All the foregoing Works in the General Specifications to be executed in a proper and workmanlike Manner, according to the true Intent and Meaning of the Specification for each Work respectively, all Materials used to be Good of their several Kinds.

Landlord and Tenant (Ireland).

A

B I L L

To amend the Law of Landlord and Tenant and to facilitate the Improvement of Land in Ireland.

(Prepared and brought in by Mr. Magan and Mr. Roupell.)

Ordered, by The House of Commons, *to be Printed,* 6 *July* 1858.

[Bill 183.]

Under 3 *oz.*

A

B I L L

INTITULED

An Act to amend the Law of False Pretences.

WHEREAS it is expedient to amend the Law relating to False Pretences: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. If any Person shall by any False Pretence obtain the Signature of any other Person to any Bill of Exchange, Promissory Note, or any valuable Security, with Intent to cheat or defraud, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be sentenced to Penal Servitude for the Term of Four Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award. Any Person obtaining Signature to Bill of Exchange, &c. by False Pretences deemed guilty of Misdemeanor.

Law of False Pretences Amendment.

A

B I L L

INTITULED

An Act to amend the Law of False Pretences.

(*Brought from the Lords* 21 *June* 1858.)

Ordered, by The House of Commons, *to be Printed,* 12 *July* 1858.

[Bill 194.]

Under 1 *oz.*

4 *June* 1858. 21 Vict.

A

B I L L

INTITULED

An Act to further amend the Law of Property.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Leases.

I. Where any Licence to do any Act which without such Licence would create a Forfeiture, or give a Right to re-enter, under a Condition or Power reserved in any Lease heretofore granted or to be hereafter granted, shall at any Time after the passing of this Act be given to any Lessee, every such Licence shall, unless otherwise expressed, extend only to the Permission actually given, or to any specific Breach of any Proviso or Covenant made or to be made, or to the actual Assignment, Under-lease, or other Matter thereby specifically authorized to be done, but not so as to prevent any Proceeding for any subsequent Breach (unless otherwise specified in such Licence); and all Rights under Covenants and Powers of Forfeiture and Re-entry in the Lease contained shall remain in full force and virtue, and shall be available as against any subsequent Breach of Covenant or Condition, Assignment, Under-lease, or other Matter not specifically authorized or made dispunishable by such Licence, in the same Manner as if no such Licence had been given; and

Restriction on Effect of Licence to alien.
8 & 9 Vict. c. 99. s. 5.

and the Condition or Right of Re-entry shall be and remain in all respects as if such Licence had not been given, except in respect of the particular Matter authorized to be done.

Restricted Operation of partial Licences.

II. Where in any Lease heretofore granted or to be hereafter granted there is or shall be a Power or Condition of Re-entry on assigning or underletting or doing any other specified Act without Licence, and a Licence at any Time after the passing of this Act shall be given to One of several Lessees or Co-owners to assign or underlet his Share or Interest, or to do any other Act prohibited to be done without Licence, or shall be given to any Lessee or Owner, or any One of several Lessees or Owners, to assign or underlet Part only of the Property, or to do any other such Act as aforesaid in respect of Part only of such Property, such Licence shall not operate to destroy or extinguish the Right of Re-entry in case of any Breach of the Covenant or Condition by the Co-lessee or Co-lessees, or Owner or Owners, of the other Shares or Interests in the Property, or by the Lessee or Owner of the rest of the Property (as the Case may be) over or in respect of such Shares or Interests or remaining Property, but such Right of Re-entry shall remain in full Force over or in respect of the Shares or Interests or Property not the subject of such Licence.

Restriction of Effect of Waiver. 7 G. 4. c. 29. s. 4.

III. Where any actual Waiver of the Benefit of any Covenant or Condition in any Lease on the Part of any Lessor, or his Heirs, Executors, Administrators, or Assigns, shall be proved to have taken place after the passing of this Act in any one particular Instance, such actual Waiver shall not, unless a contrary Intention appear, be assumed or deemed to extend to any Instance or any Breach of Covenant or Condition other than that to which such Waiver shall specially relate, nor to be a general Waiver of the Benefit of any such Covenant or Condition.

Apportionment of Conditions of Re-entry in certain Cases.

IV. Where the Reversion upon a Lease is severed, and the Rent or other Reservation is legally apportioned, the Assignee of each Part of the Reversion shall, in respect of the apportioned Rent or other Reservation allotted or belonging to him, have and be entitled to the Benefit of all Conditions or Powers of Re-entry for Nonpayment of the original Rent or other Reservation, in like Manner as if such Conditions or Powers had been reserved to him as incident to his Part of the Reversion in respect of the apportioned Rent or other Reservation allotted or belonging to him.

Policies of Insurance.

Relief against Forfeiture for

V. A Court of Equity shall have Power to relieve against a Forfeiture for Breach of a Covenant or Condition to insure against Loss or Damage

Damage by Fire, where no Loss or Damage by Fire has happened, and the Breach has, in the Opinion of the Court, been committed through Accident or Mistake, or otherwise without Fraud or gross Negligence, and there is an Insurance on foot at the Time of the Application to the Court in conformity with the Covenant to insure, upon such Terms as to the Court may seem fit.

Breach of Covenant to insure in certain Cases.

VI. The Court, where Relief shall be granted, shall direct a Record of such Relief having been granted to be made by Endorsement on the Lease or otherwise.

Relief to be recorded.

VII. The Court shall not have Power under this Act to relieve the same Person more than once in respect of the same Covenant or Condition; nor shall it have Power to grant any Relief under this Act where a Forfeiture under the Covenant in respect of which Relief is sought shall have been already waived out of Court in favour of the Person seeking the Relief.

When not to be granted.

VIII. The Person entitled to the Benefit of a Covenant on the Part of a Lessee to insure against Loss or Damage by Fire shall, on Loss or Damage by Fire happening, have the same Advantage from any then subsisting Insurance relating to the Building covenanted to be insured, effected by the Lessee in respect of his Interest under the Lease or by any Person claiming under him, but not effected in conformity with the Covenant, as he would have from an Insurance effected in conformity with the Covenant, and may by Proceedings taken in a summary Way, without Bill or Claim, before One of the Judges of the Court of Chancery sitting in Chambers, obtain such Orders upon any Person, or Company, or Society as may be requisite for giving effect to this Provision.

Lessor to have Benefit of an informal Insurance.

IX. Where on the bonâ fide Purchase after the passing of this Act of a Leasehold Interest under a Lease containing a Covenant on the Part of the Lessee to insure against Loss or Damage by Fire, the Purchaser is furnished with the written Receipt of the Person entitled to receive the Rent, or his Agent, for the last Payment of Rent accrued due before the Completion of the Purchase, and there is subsisting at the Time of the Completion of the Purchase an Insurance in conformity with the Covenant, the Purchaser or any Person claiming under him shall not be subject to any Liability, by way of Forfeiture or Damages or otherwise, in respect of any Breach of the Covenant committed at any Time before the Completion of the Purchase, of which the Purchaser had not actual Notice before the Completion of the Purchase; but this Provision is not to take away any Remedy which the Lessor or his Legal Representatives

Protection of Purchaser against Forfeiture under Covenant for Insurance against Fire in certain Cases.

may have against the Lessee or his Legal Representatives for Breach of Covenant.

Preceding Provisions to be applicable to Leases for a Term of Years absolute, &c.

X. The preceding Provisions shall be applicable to Leases for a Term of Years absolute or determinable on a Life or Lives or otherwise, and also to a Lease for the Life of the Lessee or the Life or Lives of any other Person or Persons.

Rentcharges.

Release of Part of Land charged not to be an Extinguishment.

XI. The Release from a Rentcharge of Part of the Hereditaments charged therewith shall not extinguish the whole Rentcharge, but shall operate only to bar the Right to recover any Part of the Rentcharge out of the Hereditaments released, without Prejudice nevertheless to the Rights of all Persons interested in the Hereditaments remaining unreleased, and not concurring in or confirming the Release.

Judgments.

Release of Part of Land charged not to affect Judgment. 11 & 12 Vict. c. 48. s. 72.

XII. The Release from a Judgment of Part of any Hereditaments charged therewith shall not affect the Validity of the Judgment as to the Hereditaments remaining unreleased, or as to any other Property not specifically released, without Prejudice nevertheless to the Rights of all Persons interested in the Hereditaments or Property remaining unreleased, and not concurring in or confirming the Release.

Uses.

Provision for Cases of future and contingent Uses.

XIII. Where by any Instrument any Hereditaments have been or shall be limited to Uses, all Uses thereunder, whether expressed or implied by Law, and whether immediate or future, or contingent or executory, or to be declared under any Power therein contained, shall take effect when and as they arise, by force of and by relation to the Estate and Seisin originally vested in the Person seised to the Uses, and the continued Existence in him or elsewhere of any Seisin to Uses or scintilla juris shall not be deemed necessary for the Support of or to give effect to future or contingent or executory Uses, nor shall any such Seisin to Uses or scintilla juris be deemed to be suspended, or to remain or to subsist in him or elsewhere.

Provision for Case of an Estate not commensurate with the Uses.

XIV. Where by any Instrument the Estate created to serve the Uses thereby declared or authorized to be declared by any Power therein contained shall not be commensurate with such Uses, and the Grantor or Creator of the Estate shall have had an Estate commensurate with the Uses, the Uses shall take effect according to the Intention

Intention apparent on the Face of the Instrument, in like Manner as if a Seisin commensurate with such Uses had passed by the Instrument.

Powers.

Mode of Execution of Powers. 7 W. 4. & 1 Vict. c. 26 s. 10.

XV. A Deed hereafter executed in the Presence of and attested by Witnesses in the Manner in which Deeds are ordinarily executed and attested shall, so far as respects the Execution and Attestation thereof, be a valid Execution of a Power of Appointment by Deed or by any Instrument in Writing not testamentary, notwithstanding it shall have been expressly required that a Deed or Instrument in Writing made in exercise of such Power should be executed or attested with some additional or other Form of Execution or Attestation or Solemnity: Provided always, that this Provision shall not operate to defeat any Direction in the Instrument creating the Power that the Consent of any particular Person shall be necessary to a valid Execution, or that any Act shall be performed in order to give Validity to any Appointment, having no Relation to the Mode of executing and attesting the Instrument, and nothing herein contained shall prevent the Donee of a Power from executing it conformably to the Power by Writing or otherwise than by an Instrument executed and attested as an ordinary Deed, and to any such Execution of a Power this Provision shall not extend.

Sale under Power not to be avoided by reason of mistaken Payment to Tenant for Life.

XVI. Where under a Power of Sale a bonâ fide Sale shall be made of an Estate with the Timber thereon, or any other Articles attached thereto, and the Tenant for Life or any other Party to the Transaction shall by Mistake be allowed to receive for his own Benefit a Portion of the Purchase Money as the Value of the Timber or other Articles, it shall be lawful for the Court of Chancery, upon any Bill or Claim or Application in a summary Way, as the Case may require or permit, to declare that upon Payment by the Purchaser, or the Claimant under him, of the full Value of the Timber and Articles at the Time of Sale, with such Interest thereon as the Court shall direct, and the Settlement of the said Principal Moneys and Interest under the Direction of the Court upon such Parties as in the Opinion of the Court shall be entitled thereto, the said Sale ought to be established; and upon such Payment and Settlement being made accordingly, the Court may declare that the said Sale is valid, and thereupon the legal Estate shall vest and go in like Manner as if the Power had been duly executed, and the Costs of the said Application as between Solicitor and Client shall be paid by the Purchaser or the Claimant under him.

Devisee in Trust may raise Money by Sale, notwithstanding

XVII. Where by any Will which shall come into operation after the passing of this Act the Testator shall have charged his Real Estate or any specific Portion thereof with the Payments of his Debts,

withstanding Want of express Power in the Will.

Debts, or with the Payment of any Legacy or other specific Sum of Money, and shall have devised the Estate so charged to any Trustee or Trustees for the whole of his Estate or Interest therein, and shall not have made any express Provision for the raising of such Debt, Legacy, or Sum of Money out of such Estate, it shall be lawful for the said Devisee or Devisees in trust, notwithstanding any Trusts actually declared by the Testator, to raise such Debts, Legacy, or Money as aforesaid by a Sale and absolute Disposition by public Auction or private Contract of the said Hereditaments or any Part thereof, or by a Mortgage of the same, or partly in one Mode and partly in the other, and any Deed or Deeds of Mortgage so executed may reserve such Rate of Interest and fix such Period or Periods of Repayment as the Person or Persons executing the same shall think proper.

Powers given by last Section extended to Survivors, Devisees, &c.

XVIII. The Powers conferred by the last Section shall extend to all and every Person or Persons in whom the Estate devised shall for the Time being be vested by Survivorship, Descent, or Devise, or to any Person or Persons who may be appointed under any Power in the Will, or by the Court of Chancery, to succeed to the Trusteeship vested in such Devisee or Devisees in trust as aforesaid.

Executors to have Power of raising Money, &c., where there is no sufficient Devise.

XIX. If any Testator who shall have created such a Charge as is described in the preceding Section shall not have devised the Hereditaments charged as aforesaid, in such Terms as that his whole Estate and Interest therein shall become vested in any Trustee or Trustees, the Executor or Executors for the Time being named in such Will (if any) shall have the same or the like Power of raising the said Moneys as is herein-before vested in the Devisee or Devisees in trust of the said Hereditaments, and such Power shall from Time to Time devolve to and become vested in the Person or Persons (if any) in whom the Executorship shall for the Time being be vested; but any Sale or Mortgage under this Act shall operate only on the Estate and Interest, whether legal or equitable, of the Testator, and shall not render it unnecessary to get in any outstanding subsisting legal Estate.

Purchasers, &c., not bound to inquire as to Powers.

XX. Purchasers or Mortgagees shall not be bound to inquire whether the Powers conferred by this Act shall have been duly and correctly exercised by the Person or Persons acting in virtue thereof.

Inheritance.

Descent how to be traced.

XXI. Where there shall be a total Failure of Heirs of the Purchaser, or where any Land shall be descendible as if an Ancestor had been the Purchaser thereof, and there shall be a total Failure of the Heirs of such

such Ancestor, then and in every such Case the Land shall descend, and the Descent shall thenceforth be traced from the Person last entitled to the Land as if he had been the Purchaser thereof.

Preceding Section incorporated with 3 & 4 W. 4. c. 106.

XXII. The last preceding Section shall be read as Part of the Act "For the Amendment of the Law of Inheritance," of the Session of the Third and Fourth Years of the Reign of King William the Fourth, Chapter One hundred and six.

Assignment of Personalty.

Assignment to self and others.

XXIII. Any Person shall have Power to assign Personal Property, now by Law assignable, including Chattels real, directly to himself and another Person or other Persons, or Corporation, by the like means as he might assign the same to another.

Purchasers.

No Judgments, &c. to bind a Purchaser unless Execution sued.

XXIV. No Judgment, Statute, or Recognizance, whether in favour of any Person, or of Her Majesty, Her Heirs or Successors, nor any Liability, Charge, or Lien of or upon any Land, in respect of any Debt found due to Her Majesty, Her Heirs or Successors, by any Inquisition, or in respect of any Obligation or Specialty to Her Majesty, Her Heirs or Successors, or in respect of any Acceptance of Office, whether registered or not, shall affect any Land as to a bonâ fide Purchaser for valuable Consideration, or a Mortgagee, (whether before or after this Act, and whether such Purchaser or Mortgagee have Notice or not of any such Judgment, Statute, or Recognizance, Charge or Lien, Obligation or Specialty, or Acceptance of Office,) unless a Writ or other due Process of Execution of such Judgment or other Charge shall have been issued and executed before the Execution of the Conveyance or Mortgage to him and the Payment of the Purchase or Mortgage Money by him.

Express Notice only to bind Purchaser.

XXV. No bonâ fide Purchaser for valuable Consideration or Mortgagee (whether before or after this Act) shall be bound in any Case by any other than actual Notice of any Charge, or any other Act, Matter, or Thing affecting the Title to the Property purchased or taken in Mortgage.

Not to be bound to see to the Application of Purchase Money.

XXVI. The bonâ fide Payment to and the Receipt of any Person to whom any Purchase or Mortgage Money shall be payable upon any express or implied Trust shall effectually discharge the Person paying the same from seeing to the Application or being answerable for the Misapplication thereof, unless the contrary shall be expressly declared by the Instrument creating the Trust or Security.

In case of Sale of Fee Simple by Tenant for Life, Purchase Money to be dealt with by Court of Equity as Money held in Trust for others entitled.

XXVII. If any Tenant for Life or for any other limited Interest which shall not enable him to convey to a Purchaser the Fee Simple or the whole Extent of Interest which he sells shall sell and convey to a bonâ fide Purchaser for a Money Consideration the Fee Simple or some lesser Interest to which he is not really entitled, and shall conceal from such Purchaser the Deed or Instrument under or by which the Estate sold is settled upon others, whether in esse or unborn, the Purchase Money received by such Seller, or by any other Person by his Direction, shall be and be deemed Trust Money, and shall be treated by a Court of Equity as nearly as may be as if the Estate had been authorized to be sold under any such Deed or Instrument as aforesaid, and the Purchase Money had been directed to be invested in another Estate to be settled to the same Uses, but so nevertheless that no such Seller so fraudulently concealing any such Deed or Settlement shall take any Interest in such Purchase Money, or in the Estate to be purchased therewith, prior to or before the Uses, Trusts, or Limitations to take effect after the Determination of the Life Estate or the other particular Interest limited to him, and the Court shall give Directions to exclude him therefrom, and, if necessary, to accumulate the Dividends or Interest of the Purchase Money until some Person shall become entitled under the suppressed or concealed Deed or Instrument to an Estate or Interest expectant upon the Estate or Interest provided for or limited to the Seller, and which Estate or Interest of any such Person will by Force of this Provision become an Estate or Interest in possession in consequence of the Exclusion of the Seller from any present Interest therein: Provided also, that nothing herein contained shall exclude the Seller from any Right or Interest to which he may be entitled in default of or after the Determination of the previous Estates or Rights provided for other Persons in esse or Issue unborn: Provided always, that where the Purchase Money shall be secured as aforesaid in favour of any Person or Persons entitled under any such suppressed or concealed Deed or Instrument, any such Person or Persons shall be and remain barred of any Remedy to which he or they might otherwise be entitled against the Purchaser of the Property sold, or any Person claiming under him; and if any such Person shall have recovered in any such Action or Suit the Estate sold before the Purchase Money shall be secured as aforesaid, it shall be lawful for the Court to indemnify the Purchaser, or those claiming under him, from the Loss sustained by him or them, out of the Interest in the Purchase Money secured for the Benefit of the Person who shall have recovered or become entitled to the original Estate itself by Force of any such Action or Suit as aforesaid: Provided always, that any Person in esse entitled to have the Purchase Money secured as aforesaid may by himself, or other competent Authority, or any fit Person may on behalf of Issue unborn,

unborn, file a Bill in Equity to have the Money secured, and the Rights declared, according to the Provisions herein contained, and the Costs of all such Proceedings shall be in the Discretion of the Court: Provided also, that nothing herein contained shall take away the Right of any Purchaser, or of any Person claiming under him, to such Relief as he otherwise would have been entitled against any Seller, or those claiming under him, in consequence of any such Deed or Settlement as herein-before is referred to having been concealed or suppressed upon the Sale to him.

Punishment of Vendor, &c. for fraudulent Concealment of Deeds, &c. or falsifying Pedigree.

XXVIII. Any Seller of Land, or of any Chattels, Real or Personal, or Choses in Action, which shall be assigned to a Purchaser, or the Solicitor or Agent of any such Seller, fraudulently concealing any Settlement, Deed, Will, or other Instrument, or any Incumbrance, from a Purchaser, or falsifying any Pedigree upon which the Title does or may depend, in order to induce him to accept the Title offered or produced to him, shall be guilty of a Misdemeanor, and being found guilty shall be liable, at the Discretion of the Court, to suffer such Punishment, by Fine or Imprisonment, with or without Hard Labour, or by both, as the Court shall award, and shall also be liable to an Action for Damages at the Suit of the Purchaser, or those claiming under him, for any Loss sustained by him or them in consequence of the Settlement, Deed, Will, or other Instruments or Incumbrance so concealed, or of any Claim made by any Person under such Pedigree, but whose Right was concealed by the Falsification of such Pedigree; and in estimating such Damages, where the Estate shall be recovered from such Purchaser or from those claiming under him, Regard shall be had to any Expenditure by him or them in Improvements on the Land.

Interpretation of Terms: "Land:"

XXIX. In the Construction of this Act the Term "Land" shall be taken to include all Tenements and Hereditaments, and any Part or Share of or Estate or Interest in any Tenements or Hereditaments, of what Tenure or Kind soever; and

"Mortgage:"

The Term "Mortgage" shall be taken to include every Instrument by virtue whereof Land is in any Manner conveyed, assigned, pledged, or charged as Security for the Repayment of Money or Money's Worth lent, and to be reconveyed, re-assigned, or released on Satisfaction of the Debt; and

"Mortgagee."

The Term "Mortgagee" shall be taken to include every Person to whom or in whose Favour any such Conveyance, Assignment, Pledge, or Charge as aforesaid is made.

Extent of Act.

Act not to extend to Scotland.

XXV. This Act shall not extend to Scotland.

[107.]

Law of Property Amendment.

A

B I L L

INTITULED

An Act to further amend the Law of Property.

(*Brought from the Lords* 17 *May* 1858.)

Ordered, by The House of Commons, *to be Printed*, 4 *June* 1858.

[Bill 107.]

Under 2 oz.

A

BILL

TO

Amend the Act of 1856, to facilitate Leases and Sales of Settled Estates.

WHEREAS the Twentieth and Twenty-first Sections and Part of the Twenty-sixth Section of the Act of 1856, to facilitate Leases and Sales of Settled Estates (19 & 20 Vict. c. 120.), are calculated to deprive certain Individuals of Advantages enjoyed by others similarly circumstanced, and to diminish the beneficial Effect of the rest of the Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 19 & 20 Vict. c. 120.

I. The Twentieth and Twenty-first Sections of the said Act are hereby repealed. 20th and 21st Sections of the said Act repealed.

II. The Twenty-sixth Section of the said Act shall stand as follows: 26th Section of the said Act to stand as follows.

XXVI. The Court shall be at liberty to exercise any of the Powers conferred on it by this Act, whether the Court shall have already exercised any of the Powers conferred by this Act in respect of the same Property or not, but no such Powers shall be exercised if an express Declaration that they shall not be

 exercised

exercised shall be contained in the Settlement, and the Circumstance of the Settlement containing Powers to effect similar Purposes shall not preclude the Court from exercising any of the Powers conferred by this Act, if it shall think that the Powers contained in the Settlement ought to be extended.

Leases and Sales of Settled Estates Act Amendment.

A

B I L L

To amend the Act of 1856, to facilitate Leases and Sales of Settled Estates.

(*Prepared and brought in by Mr. Adams and Mr. Malins.*)

Ordered, by The House of Commons, *to be Printed,* 8 *June* 1858.

[Bill 114.]

Under 1 *oz.*

24 *July* 1858. 21 & 22 Vict.

A

B I L L

INTITULED

An Act to amend and extend the Settled Estates Act of 1856.

WHEREAS it is expedient to amend and extend the Settled Estates Act of 1856 (Nineteenth and Twentieth Victoria, Chapter One hundred and twenty,) in certain Particulars: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 19 & 20 Vict. c. 120.

I. For the Purposes of the Definitions of "Settlement" and "Settled Estates" contained in the First Section of the said Act, all Estates or Interests in remainder or reversion not disposed of by the Settlement, and reverting to a Settlor, or descending to the Heir of a Testator, shall be deemed to be Estates coming to such Settlor or Heir under or by virtue of the Settlement. Definitions of "Settlement" and "Settled Estates."

II. The Term "Building Lease" in the said Act shall be deemed to include a Repairing Lease, so that no repairing Lease shall be made for a Term exceeding Sixty Years. "Building Lease" to include Repairing Lease.

III. All the Powers to authorize and to grant Leases contained in the said Act and this Act shall be deemed to include Powers to the Lords of Settled Manors to give Licences to their Copyhold or Customary Powers of Leasing to extend to Copyhold and Cus-

tomary Tenants of Manors.

Customary Tenants to grant Leases of Lands held by them of such Manors to the same Extent and for the same Purposes as Leases may be authorized or granted of Freehold Hereditaments under the said Act and this Act.

Extension of Power under Section 2. of recited Act as to Term for Building Leases.

IV. The Power given to the Court by the Second Section of the said Act to extend the Term thereby prescribed for Building Leases, where it shall be satisfied that it is the usual Custom of the District, and beneficial to the Inheritance, to grant Building Leases for longer Terms, shall be extended and may be exercised with respect to all the other Leases in the same Section mentioned, except Agricultural Leases, provided the Court shall be satisfied that it is the usual Custom of the District and beneficial to the Inheritance to grant such Leases for longer Terms.

As to Surrender of Leases.

V. The Power conferred by the Fifth Section of the said Act to surrender Leases granted under the Provisions of the said Act shall be deemed to extend to all Leases, whether granted in pursuance of the said Act or otherwise.

Examinations of married Women.

VI. Whenever a married Woman is resident out of the Jurisdiction of the Court of Chancery of England or the Court of Chancery of Ireland respectively, as the Case may be, her Examination, under the Thirty-eighth Section of the Act, may be made by any Person appointed for that Purpose by the Court, whether he is or is not a Solicitor of the Court; and the Appointment of any such Person, not being a Solicitor, shall afford conclusive Evidence that the married Woman was at the Time of such Examination resident out of the Jurisdiction of the Court.

Extension of Power to rescind General Rules and Orders.

VII. The Power contained in the said Act to make and rescind General Rules and Orders shall extend to the Matters to which this Act relates; and such Rules and Orders may, so far as may be found expedient, alter the Procedure prescribed by the said Act and this Act.

As to Validity of Demises under Section 33. of recited Act.

VIII. In addition to the Persons expressly enumerated in the Thirty-third Section of the said Act against whom Demises authorized by the Thirty-second Section are to be valid, such Demises, in the Case of unsettled Estates, shall be valid against the Wife of any Husband making such Demise of Estates to which he is entitled in right of such Wife.

Leases and Sales of Settled Estates Act Amendment (1856).

A

B I L L

INTITULED

An Act to amend and extend the Settled Estates Act of 1856.

(*Brought from the Lords* 15 *July* 1858.)

Ordered, by The House of Commons, *to be Printed*, 24 *July* 1858.

[Bill 238]

Under 1 *oz.*

Leasing Powers (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

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Commencement of Act; 2.
Glossary; 3.
Persons empowered to make Leases; 4.
Power how far suspended by Mortgage; 5.
Power not conferred on Mortgagees; 6.
Other Powers not to be prejudiced; 7.
Provisions for Disability of Persons having Power to lease; 8.
Lease to be by Indenture; 9.
Counterpart to be executed; 10.
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Mansion House and Demesne Lands not to be leased; 12.
Periods of Time and Purposes for which Leases may be made; 13.
Lease to be in possession; 14.
Best Rent to be reserved; 15.
Rent in a Mining Lease; 16.
Rent to be apportioned in Mining Leases; 17.
Uniform Rent, except in certain Cases; 18.
General Covenants and Conditions in all Leases; 19.
Agricultural Covenants; 20.
Improvement Covenants; 21.
Mining Covenants; 22.
Building Covenants; 23.
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Condition of Re-entry confined to Portion on which Breach of Covenant occurs; 25.
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Rents and Covenants to enure to Successors; 27.
Lease to bind Successors; 28.
Lease fraudulent by improper Covenants; 29.

II. *Defective Leases.*

Defects in leasing Powers supplied; 30.

III. *Compensating Powers.*

Power to make Agreements for Compensation for Improvements; 31.
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Penalty for Neglect of Duty; 63.
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Limitation of Repeal; 65.
SCHEDULE.

(Ireland.)

A

B I L L

TO

Consolidate and amend the Laws relating to Powers of leasing and improving Lands in Ireland.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as the "Leasing Powers Act, Ireland, 1858."

Commencement of Act.

II. This Act shall come into operation on the *First Day of November in the Year One thousand eight hundred and fifty-eight.*

Glossary.

III. In the Construction and for the Purposes of this Act, if not inconsistent with its Context or Subject Matter, the following Terms and Expressions shall have the respective Meanings herein-after assigned to them; that is to say,

"Person:"

"Person" shall include Body Corporate:

"Land:"

"Land" shall include Corporeal Hereditaments only, whether the same shall have any Houses or Buildings thereon or not:

"Perpetual Interest:"

"Perpetual Interest" shall include a Demise for a Term of not less than *One thousand* Years, or for a limited Interest, where there

is an Agreement by a competent Party for the Renewal thereof, either perpetually or for any Term of not less than One thousand Years:

"Settlement:" "Settlement" shall include an Assurance or connected Series of Assurances by Deed, Will, or Private Act of Parliament, or otherwise, by which Hereditaments are limited in a Course of Settlement or agreed so to be:

"Successors in Estate:" "Successors in Estate" shall mean the several Persons who from Time to Time during the Continuance of the Lease would, in case it had not been made, be entitled to the Profits of the Hereditaments comprised in the Lease, after and under the same Settlement with the Lessor, or under the Exercise of a Power affecting the same Title and contained in the Settlement; and in the Case of a Lease made by a Mortgagor in possession shall include the Mortgagee, having first given Notice of his Mortgage to the Tenant of the Lands:

"Assistant Barrister." "Assistant Barrister" shall include the Recorder of the City of Dublin and Borough of Cork, and the Recorder of any Borough or Town in Ireland under the Act passed in the Third and Fourth Years of Her Majesty's Reign, intituled "An Act for the Regulation of Municipal Corporations in Ireland," and their Deputies lawfully appointed.

3 & 4 Vict. c. 108.

Persons enabled to make Leases. IV. Any Person or Body Corporate having an Estate or Interest, such as is herein-after described, in Lands or Tenements, and the Commissioners of Her Majesty's Woods and Forests, Land Revenues, Works, and Buildings in Ireland, having the Management of Lands or Tenements the Property of the Crown in Ireland, shall be deemed to be "Owners" for the Purposes of this Act, and shall have Power to make Leases of such Lands or Tenements under the Provisions of this Act, any Law to the contrary notwithstanding; that is to say:

Woods and Forests: 1. The Commissioners of Her Majesty's Woods and Forests, Land Revenues, Works, and Buildings, in respect of Lands and Tenements the absolute Property of the Crown, and being under the Management of the Commissioners:

Tenant in Tail: 2. Any Person beneficially seised or entitled at Law or in Equity for an Estate in Tail or quasi Entail:

Tenant for Life: 3. Any Person beneficially seised or entitled at Law or in Equity for his or her Life (not being a Jointress), or for the Life or Lives of some other Person or Persons, or beneficially possessed of or entitled to an Estate for so many Years as he or she may live, or for an unexpired Term of Years, not being less in its Inception than Sixty Years, absolute or determinable on a Life or Lives, such Estate or Interest in each of the Cases included in this Paragraph being created by way of Limitation in some Settlement,

Settlement, and not by way of Tenancy, out of an Estate of Inheritance or out of a perpetual Interest:

4. Any married Woman entitled for her own Benefit to an Estate in Fee Simple, or to any Estate such as is specified in Paragraph 2 or 3: Married Women:

5. Any Person seised of an Estate by the Curtesy of England or in Dower:

6. A Husband seised or entitled in right of his Wife and for her Benefit, or by Entireties with his Wife for his and her Benefit, of an Estate in Fee Simple, or seised or possessed in right of his Wife or his marital Right of any such Estate as is specified in Paragraph 2 or 3, for his or her own Benefit; provided the Wife is of Age, and a granting or executing Party to the Lease: Husband in right of Wife:

7. Any Ecclesiastical Corporation Aggregate, and Archbishops, Bishops, and other Ecclesiastical Persons, seised in right of their Corporations, Dignities, or Benefices, and the Ecclesiastical Commissioners for Ireland seised of Lands formerly the Property of Ecclesiastical Persons; but no Lease made by a Rector, Vicar, or Perpetual Curate by virtue of this Act shall be valid without the Consent of the Archbishop or Bishop of the Diocese, whether situate within a Peculiar Jurisdiction or not, and of the Person or Persons, or Majority of the Persons, or the Corporation for the Time being entitled to the next Turn or Right of Presentation to the Benefice, signified by a Writing to be made on or annexed to the Lease, or in case of a Corporation Aggregate by the Seal of the Corporation to be affixed thereto; and where the Patronage of the Benefice shall be in the Crown, the Consent of the Crown shall be expressed and testified by the Lord Lieutenant or other Chief Governor or Governors of Ireland for the Time being; and where the Archbishop or Bishops of the Diocese, or the Incumbent of the Benefice, is also the Patron of the Benefice, such Person may act in both of the Characters which he shall so sustain; and no Lease made by any Ecclesiastical Person or Corporation, or by the Ecclesiastical Commissioners, for any Term exceeding *Twenty-one* Years shall be valid by virtue of this Act without the Licence of the Ecclesiastical Commissioners for Ireland, and no Lease made by the Ecclesiastical Commissioners for any Term exceeding *Twenty-one* Years shall be valid, without the Licence in Writing of the Lord Lieutenant or other Chief Governor or Governors of Ireland for the Time being, by a Writing to be made on or annexed to the Lease: Ecclesiastical Corporations:

8. Any Corporation being eleemosynary or collegiate, whether aggregate or sole, of Lands belonging to his or their Corporation, Hospital, or College; provided that no Lease made by a Lay Corporations:

Municipal Corporation for any Term exceeding *Twenty-one* Years shall be valid by virtue of this Act without the Licence in Writing of the Commissioners of Her Majesty's Treasury, or of some Two of them; and that no Lease made by a Board of Guardians of the Poor for any Term exceeding *Twenty-one* Years shall be valid by virtue of this Act without the Licence in Writing of the Poor Law Commissioners for Ireland, which Licence in either Case shall be written on or annexed to the Lease:

Trustees for Charitable Uses.

9. Trustees and Feoffees of Charitable Uses of a public Nature seised or possessed for the Benefit of the Charity of Land for an Estate in Fee Simple, Fee-farm, or other perpetual Interest, and Governors of Endowed Schools, and the Commissioners of Education, or any *Three* of them, in respect of Lands vested in them belonging to Endowed Schools of public or private Foundation in Ireland, and of which they are seised in possession for such Estate as last aforesaid, and Trustees and surviving Trustees, and a surviving Trustee of Lands limited under any Settlement so seised or possessed, and having a Power to sell: Provided that such Trustees or Trustee are or is not expressly restrained from leasing, and that where any Power of Sale or leasing is conferred and is required to be exercised with the Consent of any Person, no Lease made by virtue of this Act shall be valid without the like Consent, if the Person be living and capable of giving it; provided that no Lease of Lands belonging to Endowed Schools for any Term exceeding *Twenty-one* Years made by virtue of this Act shall be valid without the Licence in Writing of the Lord Primate, the Lord Chancellor, the Archbishop of Dublin, the Lord Chief Justice of the Queen's Bench, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron of the Exchequer in Ireland, or of some *Three* or more of them, written or annexed to the Lease.

Power how far suspended by Mortgage.

V. Where any Person would have Power to make Leases by virtue of his Estate or by virtue of this Act, but for the Existence of a Mortgage or other Incumbrance affecting his Estate or Interest, such Person shall have Power to make Leases pursuant to the Provisions of this Act, notwithstanding any Mortgage or Incumbrance, so long as the Incumbrancer is not in actual Possession or in receipt of the Rents and Profits of the Lands; but no such Power shall be exercised during the actual Possession or Receipt of the Rents of the Mortgagee or Incumbrancer.

Power not to be exercised by Mortgagees.

VI. The Power to make Leases conferred by this Act shall not be exercised by any Person seised or possessed of an Estate or Interest

Interest by way of Mortgage only, or by way of Assignment or Purchase from a Party having a partial or particular Estate or Interest only under a Settlement.

Other Powers not to be prejudiced.

VII. The Power to make Leases conferred by this Act shall not prejudice any other Power of leasing belonging to the Person empowered.

Disability of Person having Powers to lease.

VIII. Where any Person, not being Trustee or Feoffee, who would be entitled to make Leases or to give his Consent to any Lease by virtue of his Estate, or of the Power conferred by this or any other Act of Parliament, or by any Settlement, shall happen to be a Minor, Lunatic, Idiot, or non compos mentis, a Lease or Consent to the like Effect as he might have made or given but for such Disability or Incapacity may be made or given in his Name and on his Behalf in the following Manner:

Minors:

If he be a Minor under the Age of Twenty-one Years, by his Guardian appointed by Will or Settlement or by the Court of Chancery in Ireland; and if there be no Guardian, such Court may appoint One for the Purpose of this Act, on Petition in a summary Way, and may change him from Time to Time:

Lunatics.

If he be a Lunatic or Idiot or non compos mentis, by the Committee of his Estate; and if there be no such Committee or no Inquisition finding him to be a Lunatic or Idiot, the Court of Chancery may appoint a Guardian for the Purposes of this Act, on Petition in a summary Way, and may change him from Time to Time:

Provided that no Lease made or Consent given in respect of the Estate of a Person under Age or of unsound Mind shall be valid by virtue of this Act, without the Consent in Writing of the Lord Chancellor, the Master of the Rolls, or One of the Masters in Ordinary of the Court of Chancery in Ireland, as the Case may require, written on or annexed to the Lease.

Lease to be by Indenture.

IX. Every Lease made by virtue of this Act shall be by Indenture signed, sealed, and delivered (or in case of a Corporation Aggregate sealed and delivered) by or on behalf of the Lessor in the Presence of One or more than One Witness.

Counterpart.

X. A Counterpart of the Lease shall be executed by the Lessee; but the Receipt in Writing of the Lessor, acknowledging that he has received a Counterpart of the Lease, signed by such Lessor and endorsed on the Lease, shall be conclusive Evidence that such Counterpart has been duly executed by the Lessee.

Registry.

XI. A Counterpart of every Lease of Ecclesiastical Property shall be deposited and registered in the Registry Office of the Diocese in which the Lands are situated, for which Deposit and a Certificate thereof the Lessee shall pay the Sum of *Five Shillings* and no more; and on making such Payment he shall not suffer any Loss or Injury by reason of any Default in entering the Particulars of the Lease in the Register.

Power not to extend to Mansion House, &c.

XII. The Power to make or consent to Leases conferred by this Act shall not extend to the Mansion House, See House, or Glebe House, nor to the Demesne Lands, Parks, Plantations, Gardens, Orchards, Pleasure Grounds, or Appurtenances belonging to or usually occupied with the Mansion House, See House, or Glebe House of the Person empowered, nor to Lands or Tenements which the Person is expressly restrained from leasing or consenting to lease, in respect of or by the Provisions of any Local or Private Act of Parliament or of any Settlement; but this Provision shall not prevent a Lease being made or consented to of the Mansion House or Demesne Lands of an Infant during his Minority.

Periods of Time and Purposes for which Leases may be made.

XIII. The Persons empowered by this Act may make or consent to Leases for any of the following Purposes and Periods of Time:

Agricultural Leases:

1. Agricultural Leases of Arable Land or of Pasture Land for Grazing for a Term not exceeding *Twenty-one* Years:

Improvement Leases:

2. Improvement Leases of Waste, Barren, Bog, or Mountain Land for a Term not exceeding *Forty-one* Years:

Mining Leases:

3. Mining Leases of Mines, Minerals, Quarries of Marble or Stone, Collieries, Beds of Clay, Ochre, Fullers Earth, or other Matters found in the Earth, and fit for making and manufacturing Wares, together with the Right of working any adjacent Mine by way of Outstroke or other underground Communication, together with or without a suitable Portion of adjoining Land, not exceeding *Three* Acres, for Accommodation Purposes; and all such Rights of Way and Passage and other Easements and Facilities for working and carrying away the Produce thereof, or otherwise incident to Mining Operations, as may be necessary, for a Term not exceeding *Forty-one* Years:

Building Leases:

4. Building Leases of Lands or Tenements suitable for building, rebuilding, making, or otherwise improving Dwelling Houses, Warehouses, Mills, Factories, Offices, Shops, Stores, Mill Dams, Mill Races, Ponds, and other necessary Conveniences for such Houses or Buildings, and with or without Liberty for the Lessee to take down or alter any Buildings which may be upon the Land, and to dispose of the Materials thereof, to such Uses and Purposes as may be agreed upon, and with a suitable

suitable Portion of adjacent Land, not exceeding *Three* Acres, for Accommodation Purposes, or for the Erection of Labourers Dwelling Houses, where necessary, for a Term not exceeding *Ninety-nine* Years; and of suitable Land for Gardens, Yards, Curtileges, Bleach Greens, and Bleach Yards, and other Appurtenances, and not exceeding *Fifteen* Acres; and of Rights of Passage and other Easements and Conveniences to be used with any Dwelling House, Warehouse, Mill, Factory, or other Building already erected or about to be erected, or proper to afford necessary Accommodation to the Occupiers of any such House or Building, for any Term which shall not extend beyond the Duration of the Lease of the House or Building to which the same shall be intended to be attached or annexed:

Public Leases.

5. Public Leases for the Purpose of erecting, making, or improving any Public Gaol, Lighthouse, Port, Harbour, County Infirmary, Public Hospital, Dispensary Building, Workhouse, Police Barrack, Coast-guard Station, or other Works or Buildings of a public Nature and for public Purposes, and Public Schools and Libraries, and Literary and Scientific Institutions founded or endowed by or under any Charter or Act of Parliament, of an adequate Portion of Land, not exceeding *Thirty* Acres, and of necessary Conveniences, Rights of Passage, and Appurtenances, for Terms of *Nine hundred and ninety-nine* Years, or in ee Farm.

Leases to be in possession.

XIV. Every Lease made by virtue of this Act shall be a Lease to take effect in possession, and not as a concurrent, reversionary, or future Lease, unless that the old Lease shall be surrendered and shall expire within *One Year* after the making of the new Lease: Provided that where a subsisting Lease is surrendered in order to be renewed at any Time within *Seven* Years before its natural Determination, the new Lease or Leases of the Hereditaments comprised in the surrendered Lease, or of any Part of them, shall be taken to be a Lease in possession within the Meaning of this Provision, notwithstanding that any Under-leases derived out of the surrendered Lease have not been previously surrendered.

Best Rent to be reserved.

XV. There shall be reserved the best improved yearly Rent that at the Time of the making of the Lease can be obtained or received from a solvent Tenant, without Fine or other Consideration of any Kind than the Rents and Covenants in the Lease.

Rent in Mining Lease.

XVI. The Rent in a Mining Lease may be reserved in Produce or in Money, and shall not be less in Amount than *One Twentieth* Part

or Share of the Produce raised out of the Mines, or the Value thereof in Money, estimated without regard to the Expense of digging, raising, and laying it on the Bank.

Rent to be apportioned in Mining Leases.

XVII. Where the Lessor in a Mining Lease is a partial Owner and punishable of Waste, there shall be reserved during the Continuance of his Estate to the Lessor *Two Fifth* Parts of the Rent, and the *Three Fifth* Parts to the Parties entitled to the next vested Estate of Inheritance in the Mines.

Uniform Rent, except in certain Cases.

XVIII. A uniform Rent shall be reserved during the Continuance of the Lease, except in the following Case; that is to say, a reduced Rent, fixed or progressively increasing, may be reserved for the First *Three* Years of the Lease in a Building Lease, and for the First *Seven* Years of the Term in an Improvement Lease.

Covenants in Leases.

XIX. Every Lease made in pursuance of this Act shall contain the following Covenants and Conditions on the Part of the Lessee with the Lessor:

1. To pay when due the Rent reserved to the Lessor and his Successors in Estate, and also to pay all Taxes and Impositions affecting the Premises and payable by the Tenant:
2. To use and enjoy the demised Premises during the Term in a proper and tenantlike Manner, and to maintain and uphold all Buildings, Erections, Fixtures, and Improvements made or to be made thereon, in good and substantial Repair and Condition:
3. To give peaceable Possession of the demised Premises, with all Buildings, Erections, Fixtures, and Improvements made or to be made thereon, in good and substantial Repair and Condition, on the Determination of the Tenancy, to the Lessor or his Successor in Estate, but nevertheless without Prejudice to any Right of Compensation or Removal that may arise in favour of the Tenant:
4. That the Lessor and his Successor in Estate, and his or their Agent, may at all reasonable Times enter on and inspect the demised Premises:
5. That the Lessor and his Successor in Estate may enter on the demised Premises, or any Part of them, and make a Distress for any Rent in arrear:
6. That the Lessor and his Successor in Estate may re-enter on the demised Premises, and possess himself as of his former Estate, in case of an Assignment or subletting of the Premises, or any Part of them, without the previous Licence in Writing of such Lessor or Successor:

7. That

7. That the Lessor or his Successor in Estate may re-enter on the demised Premises, and possess himself as of his former Estate in case of the Nonpayment of the reserved Rent, for the Space of *Thirty* Days after it shall fall due.

Agricultural Covenants.

XX. Every Agricultural Lease made in pursuance of this Act shall contain the following further Covenants on the Part of the Lessee, his Heirs, Executors, Administrators, and Assigns, with the Lessor:

1. To manage, till, and use the Lands demised as Arable Lands in a husbandlike Manner, and in a due and regular Course of good Husbandry, and so that the same shall not be in anywise injured or deteriorated:
2. To repair and maintain all Gates, Hedges, Ditches, Fences, and Drains made or to be made on the Premises in good and tenantable Condition:
3. Not to burn or permit to be burnt any Part of the Soil or Surface of the Land demised without the previous Licence in Writing of the Lessor or his Successor in Estate.

Improvement Covenants.

XXI. Every Improvement Lease made in pursuance of this Act shall contain this further Covenant and Agreement on the Part of the Lessee, his Heirs, Executors, Administrators, and Assigns, with the Lessor:

To proceed to improve the Land within *Twelve* Months next after the Commencement of the Lease, and effectually to reclaim *One Tenth* Part during every Three Years of the Term, until the whole, or so much as is capable of Reclamation, shall have been reclaimed, and that in default thereof the Lessor or his Successor in Estate may re-enter and possess himself as of his former Estate.

Mining Covenants.

XXII. Every Mining Lease made in pursuance of this Act shall contain this further Covenant and Agreement on the Part of the Lessee, his Heirs, Executors, Administrators, and Assigns, with the Lessor:

To commence effectually to work the Mines, Minerals, Quarries, or Beds of Earth demised within Two Years next after the Commencement of the Lease, and afterwards to continue the effectual carrying on of the Works, and that in default thereof the Lessor or his Successor in Estate may re-enter and possess himself as of his former Estate.

Building Covenants.

XXIII. Every Building and Public Lease made in pursuance of this Act shall contain this further Covenant and Agreement on the Part

of the Lessee, his Heirs, Executors, Administrators, and Assigns, with the Lessor:

[*In case the Lease is made substantially and principally for the Purpose of building or rebuilding:*] To build or rebuild and make in a permanent and substantial Manner on the demised Premises, within a Time or Times to be specified for that Purpose in the Lease, such Buildings, Erections, or other Things as are herein-before mentioned as the Subject of a Building or Public Lease of an annual Value of not less than Three Times the highest Rent reserved in the Lease:

[*In case the Lease is made substantially and principally for the Purpose of repairing or otherwise improving such Building, Erections, or other Things as aforesaid existing at the Time of the making of the Lease, or to be made thereafter:*] To repair or improve such Buildings, Erections, or Things within a Time or Times to be specified for that Purpose in the Lease, to such an Extent at least that the annual Value of the demised Premises shall be thereby increased to not less than *Twice* the Rent reserved in such Lease:

And that in case such Buildings, Rebuildings, Repairs, or Improvements shall not have been made within the Time or Times so specified in the Lease, the Lessor or his Successor in Estate may re-enter and possess himself as of his former Estate.

Tenant to be liable for Waste.

XXIV. The Lessee in any Lease made by virtue of this Act shall not be thereby made dispunishable for Waste by him committed or permitted, but may nevertheless be enabled to make such Alterations and Additions, and to do all such Acts in and upon the demised Premises as may be necessary for their beneficial Enjoyment, in a tenant-like Manner, according to the Purpose for which the Lease is made.

Conditions of Re-entry for Breach of Covenants may be confined to the Portions in which the Breach occurs.

XXV. Where the Lessee in any Lease made by virtue of this Act is empowered to assign or sublet in Parcels, the Right of Re-entry for Breach of the Agreements contained in the Lease may be expressly confined to the Part of the Lands in respect of which each particular Breach or Default shall be suffered or committed, and may be exercised accordingly; and notwithstanding the Avoidance of the Lease as to such Part, the Conditions of Entry and Re-entry, and the Covenants so far as they may be applicable to the Residue of the Lands, shall remain in full Force and Efficacy as to such Residue; and upon any such partial Eviction of a Lease the Rent reserved thereby shall be apportioned in respect of the Residue of the Lands, and an Ejectment for the Nonpayment of it may be maintained in the same Manner as for the entire Rent.

XXVI. Any

New Leases to be deemed a Renewal of surrendered Lease for certain Purposes.

XXVI. Any Person by this Act enabled to make Leases may, on the Surrender of any subsisting Lease made before the *Commencement of this Act* of all or any Part of the Hereditaments proposed to be comprised in the new Lease, and being Hereditaments which might have been leased under the Authority of this Act, if it had been in force when the surrendered Lease was made, with such Consents (if any) as are necessary by this Act, grant a new Lease or separate Leases of the Hereditaments so surrendered, or of any Part of them, under the Provisions of this Act, for the subsisting Residue of the Term for which such surrendered Hereditaments were held, and may, when necessary, apportion the Rent reserved by the surrendered Lease in such Manner as shall be just, or may grant a new Lease or separate Leases for a new Term; and every such new Lease made by virtue of this Provision on the Surrender of any existing Lease shall be taken to be a Renewal of the surrendered Lease within the Meaning of the Provisions contained in the Act of the Fifth Year of the Reign of King George the Second, Chapter Four, and Section Four.

Rent and Covenants to enure to Successors.

XXVII. The Rent reserved, and the Covenants and Conditions contained in any Lease made by virtue of this Act, shall enure to the Benefit of the Person who for the Time being is the Successor in Estate of the Lessor, according to the Estate and Interest of the Successor in the Lands.

Lease to bind Successors.

XXVIII. Every Lease made in pursuance of this Act shall bind the Lessor and his Successors in Estate, notwithstanding any Settlement, Law, or Custom to the contrary; and the Burden of the Covenants of the Lessor shall attach upon the Person who for the Time being is the Successor in Estate of such Lessor, according to the Estate and Interest of such Successor in the Land.

May be declared fraudulent by improper Covenants.

XXIX. Every Lease professing to be made by virtue of this Act shall be subject to the Jurisdiction of a Court of Equity in respect of Leases deemed to be fraudulent by reason of the Introduction of improper Covenants.

Defects in leasing Powers supplied in certain Cases.

XXX. Where a Power to make Leases by virtue of this or any other Act of Parliament, or of any Settlement, shall be incapable of being exercised by reason of some accidental Variation of the Circumstances necessary to bring it within the exact Terms of the Act or Settlement, the Court of Chancery in Ireland may, by an Order on a summary Petition presented by any Person interested in the Matter, and upon Notice to such Person or Persons as the Court shall think necessary, authorize and empower the Person described in such Act or Settlement to make a Lease notwithstanding such Variation, as the

Court shall consider not to defeat or involve a substantial Departure from the true Scope or Meaning of such Act or Settlement; and every Lease made in pursuance of such Order, although not warranted by the exact Terms of the Act or Settlement, shall be as valid as if the Terms of such Act or Settlement had been qualified, explained, or enlarged by the Terms of the Order.

Power to make compensating Agreements.

XXXI. Any Person by this Act empowered to make Leases may, by Agreement in Writing signed by him, entitle the Tenant of the Lands, his Representative or lawful Assign, to Compensation for such Improvements to be made on the Lands in pursuance of the Agreement as are herein-after mentioned, and such Agreement shall not be subject to Stamp Duty.

Consents necessary.

XXXII. Every such Agreement shall be made with such Consents and Licence (if any) as would be required in respect of a Lease made by the same Person under the Powers of this Act.

Agreement to bind all Persons.

XXXIII. Every such Agreement made in pursuance of this Act shall bind all Persons whomsoever, subject to the Limitations herein-after declared.

Specification and Estimate.

XXXIV. Every such Agreement shall contain, or have connected with it by express Reference, a Specification and Estimate of the Improvements to be made, and such Specification and Estimate shall form Part of the Agreement.

Classification of Improvements.

XXXV. Improvements to be made and compensated for by virtue of this Act may be of Two Classes; the First Class shall consist of Improvements upon and separable from the Soil; the Second Class shall consist of Improvements incorporated with and inseparable from the Soil.

First Class of Improvements separable from the Soil.

XXXVI. Improvements of the First Class may be of the following Nature; that is to say, the erecting or enlarging of any Dwelling House or Farm Building, detached or otherwise, or the putting up of any Gates, Palings, or Brick or Stone Walls, suitable for Agricultural Purposes and to the Size of the Holding, and adding to its annual Value on a Letting for Agricultural Purposes.

Second Class of Improvements inseparable from the Soil.

XXXVII. Improvements of the Second Class may be of the following Nature; that is to say, the Reclamation of Waste Land or of cut out Bog, or the making of Farm Roads for the convenient Cultivation of the Farm, or the main or thorough Drainage of the Land, or the improving of it by Irrigation, or the durable Improvement of the

the Land by clearing it of Rocks or Stones, or the durable Improvement of the Land by marling, liming, claying, or otherwise amending the Soil, or the temporary Improvement of the Land by the Use of Manures.

Improvements not such as are otherwise provided for.

XXXVIII. The Improvements authorized by any such Agreement must not be such as have been otherwise compensated or allowed for, or such as the Tenant is under an Obligation by Lease or otherwise to make.

Mode of Compensation for Improvements of the First Class.

XXXIX. As to Improvements of the First Class, the Agreement may provide that the Tenant, his Representative or lawful Assign, shall recover the actual Value of the Improvement at the Time when the Possession of the Lands is required and taken from him without his Consent or Default, subject to all proper Deductions, &c.

Mode of Compensation for Improvements of Second Class.

XL. As to Improvements of the Second Class, the Agreement may provide that the Tenant, his Representative or lawful Assign, unless compensated by an Occupation of the Lands without Increase of Rent for a Period of Time to be mentioned in the Agreement or limited by this Act, shall be compensated by a Payment in Money of such a Proportion of the original Value of the Improvements, ascertained and certified as herein-after provided, as the Number of Years, and the proportionate Part of a Year, if any, unexpired at the Termination of the Occupation, shall bear to the entire Period fixed or limited for Compensation by Occupation.

Right to Money Compensation arises when.

XLI. The Right to Compensation in Money shall only arise when the Possession of the Lands is required and taken from the Tenant, his Representative or lawful Assign, without his Act or Default.

Money Compensation payable by whom.

XLII. A Compensation in Money shall be recoverable only against the Person who shall require and take the Possession of the Lands, or his Representatives.

Limit of Compensation by Occupation.

XLIII. The Agreement for Compensation for Improvements of the Second Class, by way of Occupation of the Lands without Increase of Rent, shall not bind any Person by virtue of this Act to a greater Extent than as follows; (that is to say,)

1. As to the Reclamation of Waste Land or cut out Bog, for a Period not exceeding *Twenty* Years:
2. As to the main or thorough Drainage of Land or its Improvement by Irrigation, for a Period not exceeding *Ten* Years:
3. As to the making of Farm Roads, for a Period not exceeding *Five* Years:

4. As to the durable Improvement of Land by clearing it of Rocks or Stones, for a Period not exceeding *Five* Years:
5. As to the durable Improvement of Land by marling, liming, claying, or otherwise amending the Soil, for a Period not exceeding *Five* Years:
6. As to the temporary Improvement of Land by the Use of artificial Manure, or in respect of fallowing or any other Kind of Improvement not herein-before provided for, for a Period exceeding *Two* Years:

And the Period of Compensation shall be computed from the End of *One Year* after the Date of the Agreement.

Limit of Compensation in Money.

XLIV. The Amount of Compensation in Money recoverable against any Person by virtue of this Act, under One or more than One such Agreement, shall not exceed in the whole *Four* Years clear improved Value of the Lands on which or on Part of which the Improvements have been made, after deducting any Head Rent or Disbursements payable by the Person so chargeable.

Registry of Agreement.

XLV. A Copy of the Agreement, signed by the Person hereby empowered to make the same, shall be lodged in the Office of the Clerk of the Peace of the County within *Three* Months after the Execution thereof; and on producing to him an Affidavit verifying the Signature of such Person it shall be entered in a Book to be provided by the Clerk of the Peace, and to be called the Register of Improvements, for the Fee of *Two Shillings and Sixpence;* and thereupon the Tenant, his Representative or lawful Assign, shall be warranted in commencing the Improvements specified in the Agreement.

Certificate of Completion of Improvements of Second Class to be procured and registered.

XLVI. No Claim for Compensation in respect of Improvements of the Second Class shall be enforced by virtue of this Act unless the Tenant, his Representative or lawful Assign, shall obtain from the Assistant Barrister of the County or Riding, in which the Lands or the greater Portion of them shall be situated, a Certificate of the Completion of such Improvements, and of the Value thereof, and shall duly register such Certificate in the Register of Improvements of the County.

Application for Certificate, and Notice thereof.

XLVII. In order to obtain such Certificate of Completion the Tenant, his Representative or lawful Assign, having completed Improvements of the Second Class, shall present to the Assistant Barrister sitting at Quarter Sessions in the District in which the Lands or the greater Portion of them are situate, for his Signature, a Certificate according to the Form in the Schedule A. to this Act annexed, and shall

shall give Notice of his intended Application, accompanied with a true Copy of the proposed Certificate, to the immediate Landlord for the Time being of the Lands or his Agent, at least *Fifteen* Days before the First Day of the Sessions.

Objections to proposed Certificate.

XLVIII. The Landlord, or any Person whose Estate or Interest in the Lands may be prejudiced or affected by the Allowance of the proposed Certificate of Completion, may, if he so think fit, appear at the Quarter Sessions at which it is to be tendered for Signature, and object to the Allowance of it, and for that Purpose may adduce Evidence to disprove or contradict it in part or in the whole, and the Assistant Barrister shall thereupon either allow or disallow, or modify or alter the proposed Certificate, or defer his Decision to some subsequent Sessions for further Evidence, or direct such additional Evidence to be brought before him, or such other Parties to be served with Notice, as he shall think right, and shall make such Order as to Costs as shall be agreeable to Justice.

Assistant Barrister may grant, refuse, or modify Certificate.

XLIX. The Assistant Barrister, on Proof that Notice of the Application, with a true Copy of the proposed Certificate, has been duly served on the Parties interested therein, shall, if no sufficient Objection appear or is made thereto, and if satisfied that the Certificate corresponds substantially with the Particulars of the Agreement, and that the Works have been duly executed, sign the said Certificate of Completion, modified and altered, if necessary, and hand it, so signed, to the Clerk of the Peace of the County, or his Deputy, who, on Payment of a Fee of *Two Shillings and Sixpence*, shall annex such Certificate to a Copy of the Agreement already lodged, and enter the material Particulars thereof in the Register of Improvements, with a convenient Reference.

Appeal from Decision of Assistant Barrister.

L. The Decision of the Assistant Barrister upon any such Application for a Certificate of Completion may be appealed from by any Person who appears before him in Person or by Attorney to the going Judge of Assize for the County, or in the County or County of the City of Dublin to the Judge sitting in the Consolidated Nisi Prius Court, within the same Period of Time, and giving the like Notice of Appeal to the Persons who appear on the opposite Side below, as in Cases of Civil Bill Appeals; and the Judge who shall hear the Appeal may affirm or reverse the Decision of the Assistant Barrister, or alter or modify the proposed Certificate, and finally decide thereon, and make such Order as to Costs in the Court below and of the Appeal as shall be agreeable to Justice; and the Certificate altered or modified, and signed by the Judge shall be of the like Effect as if it were the Decision of the Assistant Barrister.

Registry deferred till Time for Appeal over.

LI. Where the Right to a Certificate of Completion is contested, the Certificate shall not be registered until after the Expiration of the Time for appealing, and in case an Appeal is pending, not until after such Appeal is disposed of.

Certificate when registered final as to Regularity of Proceedings.

LII. The Certificate of Completion, when registered, shall be final and conclusive as to the Truth of all Matters stated therein, and a Copy purporting to be signed by the Clerk of the Peace shall be conclusive Evidence of the Contents and Execution of such Certificate, and that the Provisions of this Act as to all Proceedings preliminary to the obtaining thereof have been complied with.

Certificate, if fraudulently obtained, may be impeached within Six Years.

LIII. Where a Certificate of Completion has been fraudulently obtained or registered, any Person affected by it may, within *Six* Years from the Date of the Registry, impeach it on the Ground of Fraud, by an Application to the Assistant Barrister of the County or Riding, giving to the Tenant, his Representative or lawful Assign, due Notice of such Application; and the Assistant Barrister, on being satisfied that the Certificate was obtained or registered by Fraud, may order the same to be removed from the Register, and the Tenant, his Representative or Assign, may appeal from such Order to the going Judge of Assize for the County, or in the County or County of the City of Dublin to the Judge sitting in the Consolidated Nisi Prius Court, within the same Period of Time, and giving the like Notice of Appeal to the Person who appears on the opposite Side below, as in the Case of a Civil Bill Appeal; and the Judge who shall hear such Appeal may affirm or reverse the Decision of the Assistant Barrister, and finally decide thereon, and make such Order as to Costs in the Court below and of the Appeal as shall be agreeable to Justice.

Compensation recoverable by Action or Civil Bill.

LIV. The Compensation in Money to which any Tenant shall become entitled by virtue of this Act, may be recovered by Action in One of the Superior Courts of Law, or where the Amount claimed shall not exceed Forty Pounds by Civil Bill Process in the Court of the Assistant Barrister of the County in which the Lands or the greater Portion of them shall be situate, in which Action or Process the Tenant for the Time being who shall be so dispossessed, or his Representative, shall be Plaintiff, and the Party removing him, or his Representative, shall be Defendant.

Compensation on Disturbance before Certificate obtained.

LV. If after the Lodgment with the Clerk of the Peace of the Copy of an Agreement entitling a Tenant to make Improvements with a Right to Compensation by virtue of this Act, and before any Certificate of Completion shall have been obtained, any Person whomsoever shall require and take from the Tenant, his Representative or lawful

lawful Assign, the Possession of the Lands to which the Agreement relates, otherwise than for Nonpayment of Rent or Breach of Covenant, Condition, or Agreement, the Tenant or Person dispossessed, or his Representative, may, by a Civil Bill Process in the Court of the Assistant Barrister of the County in which the Lands or the greater Portion of them are situated, recover from the Person who shall have so dispossessed him or his Representatives a just and reasonable Compensation in Money for the Expenditure in Labour or Money bonâ fide made in respect of such Improvements.

Jurisdiction where Party dispossessing resides out of the County.

LVI. The Defendant in any Civil Bill Proceeding to recover Compensation in respect of Improvements by virtue of this Act, though not residing within the County or Riding, shall be deemed to be within the Jurisdiction of the Assistant Barrister of the County or Riding in which the Lands or the greater Portion of them are situated, and Service of the Civil Bill on his Agent or the Receiver of his Rents, or the Person or Persons in possession of the Lands, shall be good Service of such Party; and any Decree or Order made by the Assistant Barrister may be executed in any County in Ireland, when backed with the Signature of the Assistant Barrister of such County, and shall have the like Effect as the Decree or Order of the Assistant Barrister who shall have made such Endorsement.

Defence of Subletting.

LVII. In any Action or Civil Bill brought by a Tenant, his Representative or Assign, for Compensation in Money by virtue of this Act, it shall be a sufficient Defence to such Action or Civil Bill to prove that the Tenant, his Representative or Assign, subsequently to the making of the Agreement in respect of which he claims Compensation, did unlawfully sublet or subdivide all or some Part of the Lands, and it shall not be necessary to produce or prove the Deed or Instrument (if any) by which such Subletting or Subdivision has been made, if satisfactory Proof of the Facts shall be otherwise given.

Set-off and Cross Demands.

LVIII. In any Action or Civil Bill to recover Compensation for Improvements by virtue of this Act, the Defendant may by way of Set-off or Cross Demand, insist upon any Claim to which he shall be entitled in respect of the following Matters; (that is to say,)

In respect of Damages for bad Husbandry, Waste, or Want of proper Repair of or in the Lands on which the Improvements are made or partly made, or on other Lands holden under the same Lease or Agreement, or in respect of the Breach of any Covenant or Agreement respecting such Lands, which the Person claiming Compensation, or some other Person under whom he derives was bound to fulfil, or in respect of any Arrear of Rent due, or any Advances or Allowances, or any Rates, Taxes, or Assess-

ments to which the Tenant was liable, and which have been left unpaid by him in respect of such Lands; and any such Cross Demand, though unliquidated, may be relied on and established in the same Manner as if it were the Subject Matter of a legal Set-off.

Court to give Judgment for Defendant if necessary.

LIX. The Court which shall adjudicate on the Claim for Compensation shall at the same Time adjudicate on the Matter of such Set-off or Cross Demand, either by deducting the Amount thereof from the Claim, or by giving a Judgment or Decree for the Defendant for the Excess, in case the Amount established as a Set-off or Cross Demand shall exceed the Amount which the Tenant would be entitled to in respect of such Compensation.

Reference as to Matters of Fact.

LX. In Cases of Doubt or Difficulty or contradictory Evidence in any Proceeding respecting Compensation for Improvements, the Assistant Barrister may, if he so think fit, direct a Reference to some properly qualified Person to report specially on any Question of Fact which he may desire to ascertain, for which Report the Person making it shall be entitled to receive such a reasonable Fee, and to be paid by such Party or Parties, as the Assistant Barrister may direct.

Landlord to take Fines in certain Cases.

LXI. Any Person who shall have paid or be liable to pay any Sum or Sums of Money to any Tenant, for any Work executed under the Provisions of this Act, may receive from an incoming Tenant the Amount thereof, notwithstanding that such Person may be prohibited by any Deed or Writing from receiving any Fine, Premium, or other Consideration upon the letting of the Premises.

Forms to be provided by the Clerk of the Peace.

LXII. The Clerk of the Peace for each County shall cause printed Forms of Specifications and Certificates of Completion to be prepared on Parchment of uniform Shape and Dimensions, with a sufficient Margin, and shall issue the same at his Office to any Person requiring them on Payment of a Fee of *One Shilling* for each Form, and shall file them as they shall be received in compact Order, attaching them by Laces through the Margin to Portfolio Covers after the Manner of Books, so that they shall be kept free from Injury and easily accessible.

Penalty for Neglect of Duty of Clerk of the Peace.

LXIII. If any Clerk of the Peace shall refuse or wilfully omit to perform any Duty which he is by this Act required to do, he shall forfeit to the Party aggrieved the Sum of *Five Pounds* for every such Refusal or Omission, to be recovered by Civil Bill Process before the Assistant Barrister, in the same Manner as if it were a Debt due by the Person so refusing or omitting to the Party aggrieved.

LXIV. The

LXIV. The following Enactments are repealed on and after the *First Day of January One thousand eight hundred and fifty-nine.* Repealing Act Schedule.

Date of Act.	Title of Acts.	Extent of Repeal.
	Acts of the Parliament of Ireland.	
10 Car. 1. Sess. 3. Chap. 6.	An Act that Lessees shall enjoy their Farms against Tenants in Taile, or in right of their Wives, &c.	The entire Act.
10 Geo. 1. Chap. 5. -	An Act for the further Encouragement of finding and working Mines and Minerals within this Kingdom.	Sessions 1, 2, 3, 8, 9, 10, 11, and 12.
15 Geo. 2. Chap. 10. -	An Act for explaining and amending an Act, entitled "An Act for the further Encouragement of finding and working Mines and Minerals in this Kingdom."	The entire Act.
23 Geo. 2. Chap. 9. -	An Act for explaining and amending an Act, entitled "An Act for the further Encouragement of finding and working Mines and Minerals within this Kingdom."	The entire Act.
1 Geo. 3. Chap. 7. -	An Act for continuing and amending an Act, entitled "An Act for better regulating the Collection of His Majesty's Revenue, and for preventing Frauds therein, and for repealing an Act made the last Session of Parliament, entitled 'An Act for continuing and amending several Laws heretofore made relating to His Majesty's Revenue, and for the more effectual preventing of Frauds in His Majesty's Customs and Excise, and the several Acts and Statutes which are mentioned in the said Act, and continued thereby.'"	Sections 9, 10, and 11.
1 Geo. 3. Chap. 8. -	An Act to enable Tenants for Life to make perpetual Leases of Grounds whereon to erect public Hospitals.	The entire Act.
5 Geo. 3. Chap. 20. -	An Act for for erecting and establishing public Infirmaries or Hospitals in this Kingdom.	Section 3.
7 Geo. 3. Chap. 8. -	An Act to amend an Act made the last Session of Parliament for the erecting and establishing public Infirmaries or Hospitals in this Kingdom.	Section 1.
11 & 12 Geo. 3. Chap. 21.	An Act to encourage the Reclaiming of unprofitable Bogs.	The entire Act.
11 & 12 Geo. 3. Chap. 30.	An Act for badging such Poor as shall be found unable to support themselves by Labour, and otherwise providing for them; and for restraining such as shall be found able to support themselves by Labour or Industry from begging.	Section 4.
17 & 18 Geo. 3. Chap. 15.	An Act to enable Testamentary Guardians of Minors to make Leases for the Purpose of building County Infirmaries and Hospitals on the Estates of such Minors, subject to the Restrictions herein-after mentioned.	The entire Act.
17 & 18 Geo. 3. Chap. 49.	An Act for the Relief of His Majesty's Subjects of this Kingdom professing the Popish Religion.	Section 11.
21 & 22 Geo. 3. Chap. 37.	An Act to explain and amend the Acts for the Encouragement of the Fisheries of this Kingdom, and for promoting the good Ends proposed by said Laws.	Sections 6, 7, and 8.
25 Geo. 3. Chap. 62. -	An Act to explain and amend several Laws now in force for the Encouragement of Agriculture.	Sections 12, 13, 14, and 15.

Date of Act.	Title of Acts.	Extent of Repeal.
27 Geo. 3. Chap. 57. -	An Act for amending an Act made in the Eleventh and Twelfth Years of His present Majesty's Reign, entitled "An Act for badging such "Poor as shall be found unable to support "themselves by Labour, and otherwise pro- "viding for them; and for restraining such "as shall be found able to support themselves "by Labour and Industry from begging;" and also to amend an Act made in the Thirteenth and Fourteenth Years of His present Majesty's Reign, entitled "An Act for amending an Act "made the last Session of Parliament, en- "titled 'An Act for badging such Poor as shall "'be found unable to support themselves by "'Labour, and otherwise providing for them; "'and for restraining such as shall be found "'able to support themselves by Labour or In- "'dustry from begging.'"	Section 3.
40 Geo. 3. Chap. 90. -	An Act for the further Encouragement of the Cotton Manufacture by enabling Tenants for Life to make Leases for Sites of Mills.	The entire Act.
	Acts of the Parliament of the United Kingdom.	
46 Geo. 3. Chap. 71. -	An Act to amend several Acts for the Encouragement of finding and working Mines and Minerals within Ireland.	Section 1.
10 Geo. 4. Chap. 50. -	An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods and Forests, Parks and Chases, of the Land Revenue of the Crown within the Survey of the Exchequer in England, and of the Land Revenue of the Crown in Ireland, and for extending certain Provisions relating to the same to the Isles of Man and Alderney.	Sections 22, 23, 24, 26, 27, 28, 29, and 30, so far as they relate to Ireland.
11 Geo. 4. & 1 Will. 4. Chap. 65.	An Act for consolidating and amending the Laws relating to Property belonging to Infants, Femes Coverts, Idiots, Lunatics, and Persons of unsound Mind.	Sections 17, 23, and 24.
8 & 9 Vict. Chap. 124. -	An Act to facilitate the granting of certain Leases.	The entire Act, so far as it relates to Ireland.
9 & 10 Vict. Chap. 112. -	An Act to facilitate and encourage the granting of certain Leases for Terms of Years in Ireland.	The entire Act.
11 Vict. Chap. 13. -	An Act for amending the Law for the Leasing of Mines in Ireland.	The entire Act.
19 & 20 Vict. Chap. 120.	An Act to facilitate Leases and Sales of Settled Estates.	Section 22.

Limitation of Repeal.

LXV. The Repeal herein contained shall not apply to any Lease made or Contract entered into, nor to any Proceeding commenced before the First Day of January One thousand eight hundred and fifty-nine.

SCHE-

SCHEDULE referred to in the foregoing Act.

SCHEDULE (A.)

Form of Certificate of Completion of Improvements by Assistant Barrister.

County of *M.* } By the Assistant Barrister at the Sessions of the
Division of *N.* } said County.

It appearing to the said Assistant Barrister that *A.B.* is Tenant of the Lands of *P.*, situated within the said Division, and that the Agreement, a Copy of which is hereunto annexed, has been executed by *C.D.*, alleged to be the Landlord of the said *A.B.*, in respect of the said Lands, and bears Date the Day of 185 , and has been duly registered: And it appearing to the said Assistant Barrister that all proper Parties have had due Notice of the Application for this Certificate, and that the Improvements herein-after detailed correspond substantially with the Particulars of the said Agreement, Specification, and Estimate, and that the same have been duly and properly executed according to such Agreement and Specification, and are of the Value in such Estimate stated [*or* of the Value of Pounds] as herein-after set forth:

The said Assistant Barrister doth, in pursuance of the Provisions of the Statute in that Behalf made, hereby grant this his Certificate of Completion in respect of the Improvements herein-after mentioned.

Nature of Improvements made.	Value of Expenditure in Labour or Money.

Dated this Day of in the Year of our Lord 18 .

G.H., Assistant Barrister.
L.M., Clerk of the Peace.

Leasing Powers (Ireland).

A

B I L L

To consolidate and amend the Laws relating to Powers of leasing and improving Lands in Ireland.

(*Prepared and brought in by Mr. Stearne Ball Miller and Mr. Hume.*)

Ordered, by The House of Commons, *to be Printed,* 6 *July* 1858.

[Bill 185.]

Under 3 oz.

15 *June* 1858. 21 Vict.

A

B I L L

TO

Enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed Natural-born Subjects.

WHEREAS it is expedient to enable Persons to establish their Legitimacy, and the Marriage of their Parents and others from whom they may be descended, and also to enable Persons to establish their Right to be deemed Natural-born Subjects: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Any Natural-born Subject of the Queen, or any Person whose Right to be deemed a Natural-born Subject depends wholly or in part on his Legitimacy or on the Validity of a Marriage, may apply by Petition to the Court for Divorce and Matrimonial Causes, praying the Court for a Decree declaring that the Petitioner is the legitimate Child of his Parents, and that the Marriage of his Father and Mother, or of his Grandfather and Grandmother, was a valid Marriage, or for a Decree declaring either of the Matters aforesaid; and any such Application to Court for Divorce and Matrimonial Causes for Declaration of Legitimacy or Validity or Invalidity of Marriage.

such Subject may in like Manner apply to such Court for a Decree declaring that his Marriage was or is a valid Marriage, and such Court shall have Jurisdiction to hear and determine such Application and to make such Decree declaratory of the Legitimacy of the Petitioner, or of the Validity or Invalidity of such Marriage, as to the Court may seem just.

Application to Court for Declaration of Right to be deemed a Natural-born Subject.

II. Any Person may apply by Petition to the said Court for a Decree declaratory of his Right to be deemed a Natural-born Subject of Her Majesty, and the said Court shall have Jurisdiction to hear and determine such Application, and to make such Decree thereon as to the Court may seem just, and where such Application as last aforesaid is made by the Person making such Application as herein mentioned for a Decree declaring his Legitimacy or the Validity of a Marriage, both Applications may be included in the same Petition.

Petition to be accompanied by Affidavit.

III. Every Petition under this Act shall be accompanied by such Affidavit verifying the same, and of the Absence of Collusion, as the Court may by any General Rule direct.

20 & 21 Vict. c. 85. to apply to Proceedings under this Act.

IV. All the Provisions of the Act of the last Session, Chapter Eighty-five, so far as the same may be applicable, and the Powers and Provisions therein contained in relation to the making and laying before Parliament of Rules and Regulations concerning the Practice and Procedure under that Act, and fixing the Fees payable upon Proceedings before the Court, shall extend to Applications and Proceedings under this Act, as if the same had been authorized by the said Act of the last Session.

Attorney General to have a Copy of Petition One Month before it is filed, and to be Respondent.

V. A Copy of every Petition under this Act and of the Affidavit accompanying the same, shall, *One Month* at least previously to the Presentation or filing of such Petition, be delivered to Her Majesty's Attorney General, who shall be a Respondent upon the Hearing of such Petition and upon every subsequent Proceeding relating thereto.

Court may require Persons to be cited.

VI. Where any Application is made under this Act such Person or Persons (if any) besides the said Attorney General as the Court shall think fit shall, subject to the Rules made under this Act, be cited to see Proceedings or otherwise summoned in such Manner as the Court shall direct, and may be permitted to become Parties to the Proceedings, and oppose the Application.

Saving for Rights of Persons not cited.

VII. The Decree of the Court shall not in any Case prejudice any Person, unless such Person has been cited or made a Party to the Proceedings or is the Heir-at-Law or Next-of-Kin, or other real or personal

personal Representative of or derives Title under or through a Person so cited or made a Party; nor shall such Sentence or Decree of the Court prejudice any Person if subsequently proved to have been obtained by Fraud or Collusion.

Adjudication before passing of this Act not to prevent Proceedings thereunder.

VIII. No Application under this Act shall be refused upon the Ground that the Matter or Right sought to be thereby established may have been adjudicated upon or decided, either expressly or by Implication previously to the passing of this Act; but no Sentence or Decree of the Court shall alter or affect any Rights or Interests in any Real or Personal Estate which have already been adjudicated upon by any Court of competent Jurisdiction.

Acts to be read together.

Short Title.

IX. The said Act of the last Session and this Act shall be construed together as One Act; and this Act may be cited for all Purposes as "The Legitimacy Declaration Act, 1858."

Legitimacy Declaration.

A

B I L L

To enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed Natural-born Subjects.

(*Prepared and brought in by Mr. Attorney General, Mr. Macaulay, and Mr. Bovill.*)

Ordered, by The House of Commons, *to be Printed*, 15 *June* 1858.

[Bill 134.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed Natural-born Subjects.

WHEREAS it is expedient to enable Persons to establish their Legitimacy, and the Marriage of their Parents and others from whom they may be descended, and also to enable Persons to establish their Right to be deemed Natural-born Subjects: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble

I. Any Natural-born Subject of the Queen, or any Person whose Right to be deemed a Natural-born Subject depends wholly or in part on his Legitimacy or on the Validity of a Marriage, being domiciled in England, or claiming any Real or Personal Estate situate in England, may apply by Petition to the Court for Divorce and Matrimonial Causes, praying the Court for a Decree declaring that the Petitioner is the legitimate Child of his Parents, and that the Marriage of his Father and Mother, or of his Grandfather and Application to Court for Divorce and Matrimonial Causes for Declaration of Legitimacy or Validity or Invalidity of Marriage.

Grandmother, was a valid Marriage, or for a Decree declaring either of the Matters aforesaid; and any such Subject or Person, being so domiciled or claiming as aforesaid, may in like Manner apply to such Court for a Decree declaring that his Marriage was or is a valid Marriage, and such Court shall have Jurisdiction to hear and determine such Application and to make such Decree declaratory of the Legitimacy of such Person, or of the Validity or Invalidity of such Marriage, as to the Court may seem just.

Application to Court for Declaration of Right to be deemed a Natural-born Subject.

II. Any Person, being so domiciled or claiming as aforesaid, may apply by Petition to the said Court for a Decree declaratory of his Right to be deemed a Natural-born Subject of Her Majesty, and the said Court shall have Jurisdiction to hear and determine such Application, and to make such Decree thereon as to the Court may seem just, and where such Application as last aforesaid is made by the Person making such Application as herein mentioned for a Decree declaring his Legitimacy or the Validity of a Marriage, both Applications may be included in the same Petition; and every Decree made by the said Court shall, except as hereinafter mentioned, be valid and binding to all Intents and Purposes upon Her Majesty and all Persons whomsoever.

Petition to be accompanied by Affidavit.

III. Every Petition under this Act shall be accompanied by such Affidavit verifying the same, and of the Absence of Collusion, as the Court may by any General Rule direct.

20 & 21 Vict. c. 85. to apply to Proceedings under this Act.

IV. All the Provisions of the Act of the last Session, Chapter Eighty-five, so far as the same may be applicable, and the Powers and Provisions therein contained in relation to the making and laying before Parliament of Rules and Regulations concerning the Practice and Procedure under that Act, and fixing the Fees payable upon Proceedings before the Court, shall extend to Applications and Proceedings under this Act, as if the same had been authorized by the said Act of the last Session.

Attorney General to have a Copy of Petition One Month before it is filed, and to be Respondent.

V. A Copy of every Petition under this Act and of the Affidavit accompanying the same, shall, One Month at least previously to the Presentation or filing of such Petition, be delivered to Her Majesty's Attorney General, who shall be a Respondent upon the Hearing of such Petition and upon every subsequent Proceeding relating thereto.

Court may require Persons to be cited.

VI. Where any Application is made under this Act such Person or Persons (if any) besides the said Attorney General as the Court shall think fit shall, subject to the Rules made under this Act, be cited to

to see Proceedings or otherwise summoned in such Manner as the Court shall direct, and may be permitted to become Parties to the Proceedings, and oppose the Application.

Saving for Rights of Persons not cited.

VII. The Decree of the Court shall not in any Case prejudice any Person, unless such Person has been cited or made a Party to the Proceedings or is the Heir-at-Law or Next-of-Kin, or other real or personal Representative of or derives Title under or through a Person so cited or made a Party; nor shall such Sentence or Decree of the Court prejudice any Person if subsequently proved to have been obtained by Fraud or Collusion.

CLAUSE A. Persons domiciled in Scotland may insist, on an Action of Declarator, that he is entitled to be deemed a Natural-born Subject.

VIII. Any Person domiciled in Scotland, or claiming any Heritable or Moveable Property situate in Scotland, may raise and insist, in an Action of Declarator before the Court of Session, for the Purpose of having it found and declared that he is entitled to be deemed a Natural-born Subject of Her Majesty; and the said Court shall have Jurisdiction to hear and determine such Action of Declarator, in the same Manner and to the same Effect as they have Jurisdiction in Declarators of Legitimacy and Declarators of Bastardy.

Adjudication before passing of this Act not to prevent Proceedings thereunder.

IX. No Action or Application under this Act shall be refused upon the Ground that the Matter or Right sought to be thereby established may have been adjudicated upon or decided, either expressly or by Implication, previously to the passing of this Act, by any Court of competent Jurisdiction in any Part of the United Kingdom or of Her Majesty's Dominions; but no Sentence or Decree of the Court shall alter or affect any Rights or Interests in any Real or Personal Estate which have already been adjudicated upon by any such Court of competent Jurisdiction as aforesaid.

Acts to be read together.

Short Title.

X. The said Act of the last Session and this Act shall be construed together as One Act; and this Act may be cited for all Purposes as "The Legitimacy Declaration Act, 1858."

Legitimacy Declaration.

A

B I L L

[AS AMENDED IN COMMITTEE]

To enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed Natural-born Subjects.

(Prepared and brought in by Mr. Attorney General, Mr. Macaulay, and Mr. Bovill.)

Ordered, by The House of Commons, *to be Printed,* 5 *July* 1858.

[Bill 181.]

Under 1 *oz.*

A

BILL

TO

Make Letters of Credit transferable.

Preamble.

WHEREAS it is desirable to make the Contract created by Letters of Credit assignable by the Parties in whose Favour they are made: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Letters of Credit transferable,

I. Any Letter of Credit engaging to advance or pay Money, or to accept, honour, or pay any Bill or Bills of Exchange or Promissory Note or Notes whatever, and containing the Words "or Order," the Contract created by such Letter of Credit shall be assignable at Law and in Equity by the Person or Persons, Company, or Co-Partnership in whose Favour the same may be made by his or their Indorsement, which may be on the Back or across the Face of such Letter of Credit, and the same Letter of Credit and Contract may be again in like Manner transferred by the Indorsee or Transferee and by any subsequent Indorsee or Transferee so that the same may be in the Nature of a negotiable Instrument; and any such Letter of Credit and the Contract thereby created may be enforced and sued upon in any Court of Law or Equity by or in the Name of any or either of the Parties to whom the same shall have been assigned, in like Manner as in the Case of a Promissory Note payable to order; and the Possession of such Letter of Credit and the Indorsement thereof shall be primâ facie Evidence that Value has been received for the same.

 II. Every

and to be liable to Stamp Duty.

II. Every Letter of Credit so made transferable as aforesaid shall be stamped as an Agreement if issued in the United Kingdom, and be liable to Stamp Duty accordingly.

Letters of Credit.

A

BILL

To make Letters of Credit transferable.

(*Prepared and brought in by Mr. Horsfall, Mr. Kirkman Hodgson, and Mr. Bovill.*)

Ordered, by The House of Commons, *to be Printed*, 23 *June* 1858.

Bill 156.

Under 1 *oz.*

A

BILL

TO

Continue an Act of the Third and Fourth Years of Her Majesty, Chapter One hundred and ten, to amend the Laws relating to Loan Societies.

Preamble.

WHEREAS an Act was passed in the Session holden in the Third and Fourth Years of Her Majesty, Chapter One hundred and ten, "to amend the Laws relating to Loan Societies," which Act was limited to continue until the Thirty-first Day of August One thousand eight hundred and forty-one, but has been continued by several Acts, and lastly by an Act of the last Session of Parliament, Chapter Forty-one, until the First Day of August One thousand eight hundred and fifty-eight: And whereas in the said Act of the last Session of Parliament are contained Enactments which are to take effect after the Termination of the Period thereby limited for the Continuance of the said Act of the Third and Fourth Years of Her Majesty: And whereas it is expedient that the said Act of the Third and Fourth Years of Her Majesty should be further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

3 & 4 Vict. c. 110.

20 & 21 Vict. c. 41.

I. The said Act of the Third and Fourth Years of Her Majesty shall continue in force until the *First Day of August One thousand eight*

3 & 4 Vict. c. 110. further continued

eight hundred and sixty-three; and the Provisions of the said Act of the last Session of Parliament, which were to take effect after the Termination of the Period thereby limited for the Continuance of the first-mentioned Act, shall take effect whensoever the said first-mentioned Act may expire, and not otherwise.

Loan Societies.

A

BILL

To continue an Act of the Third and Fourth Years of Her Majesty, Chapter One hundred and ten, to amend the Laws relating to Loan Societies.

(*Prepared and brought in by Mr. Hardy and Mr. Secretary Walpole.*)

Ordered, by The House of Commons, *to be Printed*, 26 *March* 1858.

[Bill 42.]

Under 1 *oz.*

Local Government Bill.

ARRANGEMENT OF CLAUSES.

1 Short Title of Act.
2. Limits of Act.
3. Incorporation of this Act and the Public Health Act.
4. Act to take effect from Sept. 1848 in Places under the Public Health Act, but not to affect Qualification of Members in such Places. Powers of Local Boards under Local Acts not to be affected.
5. Local Boards under this Act to have Powers of Local Boards of Health under the Public Health Act.
6. Construction of incorporated Acts.
7. Provision in relation to Exercise of Powers under Public Health Act requiring Sanction of General Board of Health.

Powers as to Sewerage.

8. Local Board may make Deduction from Sewer Rate in respect of Premises already sewered.
9. Powers for constructing Reservoirs for Sewage, &c.

Powers as to Scavenging and Cleansing.

10. Local Boards may cleanse or contract for cleansing. Local Board may make Byelaws as to Nuisances. Amendment of Sect. 59 of 11 & 12 Vict., c. 63. as to Removal of Accumulations.
11. Amendment of Sect. 54 of 11 & 12 Vict. c. 63.

Powers for Regulation of Buildings.

12. New Streets and Houses.

Highway Repairs.

13. Cost of Highway Repairs to be defrayed out of General Rate in certain Cases. Power to levy Highway Rates in certain Cases. Certain Acts not required in case of Highway Rate made by Local Board. Application of Surplus under 11 & 12 Vict. c. 63. s. 117.

Powers as to Streets not being Highways.

14. Local Boards may provide for sewering, &c. of Streets not being Highways. Provision as to Streets forming Limits of District. How Local Board may adopt Streets as Highways repairable by the Public. Ministers of Religion not to be deemed Owners for the Purposes of this Section.
15. Powers of Local Boards to make Agreements with Turnpike Trustees.
16. Saving Clause as to Turnpike Roads.

17. Incorporation of Provisions of Towns Police Clauses Act, 1847.
18. Incorporation of Provisions of the Towns Improvement Clauses Act, 1847.
19. Where Vestries adopt Baths and Wash-houses Act, Local Board to be Commissioners for Purposes of that Act.
20. Power of Local Board to establish Markets and Fairs. Incorporation of Provisions of the Markets and Fairs Clauses Act, 1847, for those Purposes.

Water Supply.

21. Extending 76th Section of Public Health Act, and providing for compulsory Water Supply in certain Cases.
22. Repealing 93d Section of Public Health Act, and authorizing a Charge for Water.
23. Local Board supplying Water to have Power to carry Mains.

Expenses and Rates.

24. Repealing the Power of levying Special District Rate, and providing for existing Debts. General District Rate to be used in lieu thereof.
25. Repealing 107th, 113th, and 119th Sections of the Public Health Act, 1848, and Power for Mortgage of Rates in lieu of repealed Provisions.

Audit of Accounts.

26. Provisions as to Audit. Power to Auditor to require Production of Books. Notice of Audit. Report of Auditors.

Legal Proceedings.

27. Notices by Local Boards to be signed by Clerk.
28. Expenses due from Owners to be a Charge on Premises.
29. Memorials in respect of Private Improvement Charges.
30. Penalty on Injury to Works, &c. of Local Board.
31. Penalties to be payable to District Fund Account.

Water Rights.

32. Repeal of 145th Section of Public Health Act, 1848. Saving Clause for Proprietors of Canals, &c.
33. Works not within preceding Section, and which interfere with Improvement of Rivers, Canals, &c., to be referred to Arbitration.
34. Effect of Arbitration.
35. Saving Clause as to Transfer.
36. Power for Corporation to alter Sewers.
37. Saving Clause for Rights of Parties entitled to Streams, &c.
38. Arbitration Questions under preceding Sections.

Purchase of Land.

39. Regulations as to the Purchase of Land. Publication of Notices. Service of Notices. Local Board to petition Secretary of State. Secretary of State may direct Inquiry, may make Provisional Order, and obtain Confirmation of Provisional Order by Parliament.

As to Adoption of Act, and Constitution of Local Board.

40. Act to be adopted by Resolution of Council, Improvement Commissioners, or Owners and Ratepayers. As to Resolution of Council or Improvement Commissioners.
41. Summoning of Meeting. Notice of Meeting. Meeting to choose Chairman. Rules as to passing of Resolutions of Owners and Ratepayers Penalty for forging, &c. of Voting Papers.
42. Provision as to less Place included within the Limits of a greater.

Adoption of Act by Place not having a known or defined Boundary.

43. Provision as to settling Boundaries on Petition. Rules as to Petitions for Settlement of Boundaries. Place may adopt Act when Boundary settled.

Appeal against Adoption of Act.

44. Appeal against Resolution adopting Act. Petition to Secretary of State. Power of Secretary of State on Receipt of Petition. Notice of Inquiry Order to be made.
45. Appeal in case of alleged Invalidity of Vote for Adoption.

General Provisions in relation to Adoption.

46. Notice as to Adoption of Act.
47. Act when to take effect.
48. Objections as to Adoption.
49. Proof of Adoption.
50. Costs of Adoption.

Constitution of Local Boards.

51. Local Boards of Health, how constituted. District may be divided into Wards.
52. Disqualification of Members of Local Boards.
53. Adjoining Districts may unite.
54. Power of Local Board to execute Works in adjoining Places.

Provisional Orders and Powers of Secretary of State.

55. Petition for Incorporation with or Separation from District, or for Repeal, &c. of Local Acts. Power of Secretary of State on Receipt of Petition to issue Order, and obtain Consent of District. Consents, how testified. Provisions as to Meetings of Part or Place. Secretary of State to obtain Confirmation of Order.
56. Extension of borrowing Powers in certain Cases.
57. Secretary of State to provide for Execution of Act.
58. Powers for Inquiry directed by Secretary of State.
59. Orders of Secretary of State to be binding, and not removable by Certiorari.

Oxford and Cambridge.

60. Exception of Oxford and Cambridge. Adoption of Act by Oxford. Adoption of Act by Cambridge. Local Board of Oxford District. Local Board of Cambridge District. Quota of Rates to be paid by the Universities, &c.

A

BILL

TO

Amend the Public Health Act, 1848, and to make further Provision for the Local Government of Towns and populous Districts.

WHEREAS it is expedient to amend the Public Health Act, 1848, and to make further Provisions for the Local Government of Towns and populous Districts in England: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say, Preamble.

I. This Act may be cited for all Purposes as "The Local Government Act, 1858." Short Title of Act.

II. This Act shall not extend to Scotland or Ireland, and it shall not be adopted by any Place within the Limits of the Metropolis as defined for the Purposes of the Act of the Session holden in the Eighteenth and Nineteenth Years of Her present Majesty, intituled "An Act for the better Local Management of the Metropolis." Limits of Act.

III. This Act shall be construed together with, and be deemed to form Part of, the Public Health Act, 1848: Words used in this Act Incorporation of this Act and the Public Health Act.

Act shall be interpreted in the Sense assigned to them in the said Public Health Act: Byelaws framed under this Act shall be subject to Confirmation and dealt with in all other respects as Byelaws under the said Public Health Act: and the Provisions of each of the said Acts shall so far as may be consistent with the Provisions of this Act respectively be applicable to all Matters and Things arising under the other Act.

Act to take effect from Sept. 1858. in Places under the Public Health Act, but not to affect Qualification of Members in such Places.

IV. This Act shall take effect from the *First Day of September One thousand eight hundred and fifty-eight* in Places where the Public Health Act, 1848, is already in force: Provided always, that nothing in this Act shall affect the Qualification and Number of the Members of Local Boards of Health in such Places, or any Power, Right, Privilege, or Liability of any Local Board of Health under or by virtue of any Act of Parliament passed since the passing of the said Public Health Act.

Powers of Local Boards under Local Acts not to be affected.

Local Boards under this Act to have Powers of Local Boards of Health under the Public Health Act.

V. Local Boards under this Act shall have all the Powers, Rights, Duties, and Liabilities of Local Boards of Health constituted under the Public Health Act, 1848, and the Acts incorporated therewith.

Construction of incorporated Acts.

VI. In the Construction, for the Purposes of this Act, of the Acts herein-after incorporated the Expression "the Special Act" shall mean the Public Health Act, 1848, as brought into operation within the District, and this Act; the "Limits of the Special Act" shall mean the "Limits of the District;" "the passing of the Special Act" shall mean the Date of the coming in force of this Act, or, in the Case of Districts under the Public Health Act, 1848, the *First Day of September One thousand eight hundred and fifty-eight;* and the Local Board shall, according to the Tenor of the incorporated Act, be deemed to be the Promoters of the Undertaking, "Town Commissioners," Commissioners, or "Undertakers," and all Penalties incurred under the incorporated Acts shall be recovered in the same way as Penalties incurred under the Public Health Act, 1848, and be applied in aid of the Purposes of that Act and this Act.

Provision in relation to Exercise of Powers under Public Health Act requiring Sanction of General Board of Health.

VII. Whenever the Sanction, Consent, Direction, or Approval of the General Board of Health is required by Law to the Exercise of the Powers of Local Boards, such Powers may, from the *First Day of September One thousand eight hundred and fifty-eight*, be exercised without such Sanction, Consent, Direction, or Approval, or any Sanction, Consent, Direction, or Approval in lieu thereof, except in so far as is provided by this Act.

Powers

Powers as to Sewerage.

VIII. If it appear to a Local Board, that any Premises were sufficiently drained before the Construction of any new Sewer they may lay down, it shall be lawful to deduct from the Amount of Rates otherwise chargeable in respect of such Premises such a Sum and for such Time as the Local Board may under all the Circumstances of the Case deem to be just. Power of Deduction from Rate in respect of Premises sufficiently drained.

IX. Local Boards may, Powers for disposing of Sewage.

(1.) Exercise the Powers given by the Forty-sixth Section of the Public Health Act, 1848, also without their District, if necessary for the Purpose of Outfall and Distribution of Sewage, upon making due Compensation, to be settled in the Manner provided in the One hundred and forty-fourth Section of the Public Health Act, 1848:

(2.) Contract with any Company or Person for the Sale of such Sewage, or for the Distribution of it over any Land:

(3.) Contract for, purchase, or take on Lease any Lands, Buildings, Engines, Materials, or Apparatus for the Purpose of receiving, storing, disinfecting, or distributing any such Sewage:

Provided always, that these Things shall be done so as not to create a Nuisance.

Powers as to Scavenging and Cleansing.

X. The Fifty-fifth and Fifty-sixth Sections of the Public Health Act, 1848, shall be repealed; and in lieu thereof be it enacted, Local Boards may cleanse or contract for cleansing.

(1.) That Local Boards may themselves undertake or contract with any Person for

The proper cleansing and watering of Streets:

The Removal of Refuse from Premises:

The cleansing of Privies and Cesspools;

either for the whole or any Part of their District; and all Matters thus collected by the Local Board or Contractor may be sold or otherwise disposed of, and any Profits thus made by the Local Board shall be carried to the District Fund Account:

(2.) If any Person, not being the Occupier of a House within the District, removes, or obstructs the Local Board or Contractor in removing any Matters hereby authorized to be removed by the Local Board, he shall for each Offence incur a Penalty not exceeding *Five Pounds;* and if any Person, being the Occupier of a House within the District, removes, or obstructs the Local Board or Contractor in removing, any such Matters (except in Cases where such

Matters are produced on his own Premises, and are removed for his own Use for Manure, as may be approved by the Local Board, and are in the meantime kept so as not to be a Nuisance), he shall for each Offence incur a Penalty not exceeding *Forty Shillings:*

(3.) In Parts where the Local Board do not themselves undertake or contract with any Person for—

The cleansing of Footways and Pavements adjoining any Premises,—

The Removal of Refuse from any Premises,—

The cleansing of Privies and Cesspools,—

They may make Byelaws imposing the Duty of such Cleansing or Removal on the Occupier of any such Premises.

Local Board may make Byelaws as to Nuisances.

(4.) The Local Board may make Byelaws for the Prevention of Nuisances arising from Snow, Filth, Dust, Ashes, and Rubbish within their District, or from the keeping of Animals:

Amendment of Sect. 59. of 11 & 12 Vict. c. 63. as to Removal of Accumulations.

(5.) Whenever the Local Board have removed any noxious or offensive Accumulation under the Fifty-ninth Section of the Public Health Act, 1848, the Expenses of Removal, so far as the same are not covered by the Sale of the said Accumulation, shall be recoverable in a summary Manner from the Occupier of the Premises on which such Accumulation existed, or from the Person causing such Accumulation, or may, by Order of the Board, be declared to be Private Improvement Expenses.

Amendment of Sect. 54. of 11 & 12 Vict. c. 63.

XI. Whenever the Surveyor, in the Course of any Examination made by him in pursuance of the Fifty-fourth Section of the Public Health Act, 1848, finds any such Drain, Watercloset, Privy, Cesspool, or Ashpit, as therein mentioned, to be in bad Order and Condition, or to require Alteration, it shall not be necessary for him to cause the Ground to be closed before the necessary Works are set about for amending such Drain, Watercloset, Privy, Cesspool, or Ashpit; provided that such necessary Works are undertaken forthwith.

Powers for Regulation of Buildings.

New Streets and Houses.

XII. The Fifty-third and Seventy-second Sections of the Public Health Act, 1848, shall be repealed; and in lieu thereof be it enacted as follows:

Every Local Board may make Byelaws with respect to the following Matters; (that is to say,)

(1.) With respect to the Level and Width of new Streets, and the Provisions for the Sewerage thereof:

(2.) With respect to the Structure of Walls of new Buildings in reference to Stability and the Prevention of Fires:

(3.) With

(3.) With respect to the Sufficiency of the Space in connexion with Buildings to secure a free Circulation of Air, and with respect to the Ventilation of Buildings:

(4.) With reference to the Drainage of Buildings, to Waterclosets, Privies, Ashpits, and Cesspools, in connexion with Buildings, and to the closing of Buildings or Parts of Buildings unfit for Human Habitation, and Prohibition of their Use for that Habitation:

And they may further provide for the Observance of the same by enacting therein such Provisions as they think necessary as to the giving of Notices, as to the Deposit of Plans and Sections by Persons intending to lay out Streets or to construct Buildings, as to Inspection by the Local Board, and as to the Power of the Local Board to remove, alter, or pull down any Work begun or done in contravention of such Byelaws: Provided always, that no such Byelaw shall affect any Building erected before the Date of the Constitution of the District, unless such Building is pulled down to or below the Ground Floor, or is converted into a Dwelling House, not having been originally constructed for that Purpose; and,

For the Purposes of this Act, the re-erecting of any Building pulled down to or below the Ground Floor, or of any Frame Building of which only the Frame Work shall be left down to the Ground Floor, shall be considered the Erection of a new Building.

Highway Repairs.

XIII. And whereas Doubts have arisen as to the Rate out of which the repair of Highways is to be provided for in Districts under the Public Health Act, 1848: Be it enacted, That in such Districts, or in Districts where this Act is adopted:

Cost of Highway Repair to be defrayed out of General District Rate in certain Cases.

(1.) Where the whole of the District is rated to Works of Paving, Lighting, Water Supply, and Sewerage, or to Works for such of these Purposes as are provided for in the District, the Cost of Repair of Highways shall be defrayed out of the General District Rate:

Power to levy Highway Rates in certain Cases.

(2.) Where those Parts of a District not directly benefitted by Works of Paving, Lighting, Water Supply, and Sewerage, or by Works for such of these Purposes as have been provided for in the District, are not rated for or towards the Cost of such Works, the Cost of the Repair of Highways in the same Parts shall be defrayed out of a Highway Rate to be separately assessed and levied in the same Parts by the Local Board as Surveyor of Highways, and the Cost of such Repair in the Residue of the District shall be defrayed out of the General District Rate:

Certain Acts not required in case of Highway Rate made by Local Board.

(3.) Provided, that it shall not be necessary for any Local Board, in the Case of any Highway Rate made by them, to do the following Acts or any of them; that is to say,

To lay such Rate before any Justices, or obtain their Allowance:
To annex thereto the Signature of such Local Board:
To lay the same before the Parishioners assembled in Vestry:
To verify before any Justices any Accounts kept by them of such Highway Rates:

And all such Accounts shall be audited in all respects in the same Way as the other Accounts of Local Boards, and all ministerial Acts required by any Act of Parliament to be done by the Surveyor of Highways may be done by the Surveyor of the Local Board, or by such other Person as they may appoint:

Application of Surplus under 11 & 12 Vict. c. 63. s. 117.

(4.) The Surplus of any Monies directed by the One hundred and seventeenth Section of the Public Health Act, 1848, to be paid by Surveyors of Highways to the Treasurer of the Local Board, and to be carried to the District Fund Account, shall, for every District or Part of a District where the Roads are repaired out of Highway Rate, be carried by the same Treasurer to a separate Account to be kept by him, and called the Highway Rate Account.

Powers as to Streets and Roads.

Local Board may provide for sewering, &c. of Parts of Streets not being Highways.

XIV. The Powers given to Local Boards of Health by the Sixty-ninth and Seventieth Sections of the Public Health Act, 1848, to compel the sewering, levelling, paving, flagging, and channelling of Streets that are not Highways repairable at the Public Expense, and after the Completion of such Works to declare such Streets Highways repairable at the Public Expense, shall extend to making good such Streets, and may be exercised in respect of the Carriage-way, Footway, or any Part of such Streets,

Provision as to Streets forming Limits of District.

(1.) In Cases where any such Street as aforesaid is bounded on One Side thereof or of any Part thereof by Premises fronting, adjoining, or abutting upon such Street, and not within the District in which such Street may be situated, and such Street, or the Carriage or Foot Way thereof, shall not be sewered, levelled, paved, flagged, channelled, or made good to the Satisfaction of the Local Board within whose District such Premises are situate, the said Local Board may from Time to Time agree with the Local Board, or other Local Authority within whose Jurisdiction such Street may be situate, for the sewering, levelling, paving, flagging, channelling, or making good of such Street, and may pay the Expense of such Works out of any Funds in their Hands, and may recover such Expenses from the Owners of such Premises in default, according to the Frontage of their respective Premises, or in such other Proportions as may be settled by the Surveyor of the last-mentioned Local

Local Board, or in case of Dispute by Arbitration; and such Expenses may be recovered from the last-mentioned Owners in a summary Manner, or the same may be declared by the Order of the last-mentioned Local Board Board to be Private Improvement Expenses, and be recoverable accordingly; and from and after the executing such Works such Street shall be a Public Street of the District within which it is situate:

(2.) No Incumbent or Minister of any Church, Chapel, or Place appropriated to Public Religious Worship, which is now by Law exempt from Rates for the Relief of the Poor, shall be liable to any Expenses under the Sixty-ninth Section of the Public Health Act, 1848, or this Section, as the Owner or Occupier of such Church, Chapel, or Place, or of any Churchyard or Burial Ground attached thereto, nor shall any such Expenses be deemed to be a Charge on such Church, Chapel, or other Place, or on such Churchyard or Burial Ground, or to subject the same to Distress, Execution, or other legal Process; and the Local Board may, if they think fit, undertake any Works from the Expenses of which any such Incumbent or Minister is hereby exempted.

Ministers of Religion not to be deemed Owners for the Purposes of this Section.

XV. It shall be lawful for any Local Board, by Agreement with the Trustees of any Turnpike Road, to take upon themselves the Maintenance, Repair, Cleansing, and Watering of any Part of the said Road within their District, on such Terms as the Local Board and the Trustees may agree upon between themselves.

Powers of Local Boards to make Agreements with Turnpike Trustees.

XVI. Notwithstanding anything contained in the Public Health Act, 1848, or this Act, it shall not be lawful for any Local Board to open or in any way disturb any of the Public Roads or Footpaths under the Charge of the Commissioners of the Metropolis Turnpike Roads North of the Thames, or of the New Cross Turnpike Roads, or of the Trustees acting in execution of the Surrey and Sussex Roads Act, 1850, except upon the Conditions and subject to the Regulations herein-after contained; that is to say,

Saving Clause as to certain Turnpike Roads.

(1.) The Local Board shall leave at the Office of the Commissioners or Trustees of such Road *Seven* Days, previous Notice, containing full Particulars of any Works intended to be executed by them, and affecting any of such Roads:

(2.) If the general Surveyor of the said Commissioners or Trustees directs the Works to be on any particular Part of such Roads, the Local Board shall be bound to obey such Directions:

(3.) Except by the Permission of the said Commissioners or Trustees, the Traffic of any of the said Roads shall not at One Time be stopped or in any way hindered along more than Half of its Width, nor, if the Half left open is of less than the clear Width of Fourteen Feet, along more than *One hundred* Yards in Length, and no Alteration shall be made in the Inclination of any of the said Roads of more than *One Foot* in Sixty Feet :

(4.) All Works shall be done under the Superintendence of the general Surveyor; and all such Precautions as he may direct for the Protection and Convenience of the Public shall be taken, by and at the Expense of the Party doing the Works, and in default the said Surveyor shall cause to be done in that Behalf what he may think proper; and the Party doing the Works shall in all Cases of Damage occurring by reason of such Works, and whether such Precautions are or not taken, be answerable to the Person suffering such Damage, the said Commissioners or Trustees being hereby absolved from all Liability in respect of the Consequences of such Works :

(5.) The Party doing the Works shall, as regards every Road opened or disturbed, restore the same to its original State as to Surface and Materials, and, in order to meet the Expenses consequent upon the Subsidence of Materials newly filled in, shall repay to the said Commissioners or Trustees, on Demand, such Sum as they have expended in Restoration of the Road, not exceeding *One Shilling* for every superficial Square Yard, and, so far as the Works affect the same, shall make good all Drainage, paving of Water Channels, Curbs of Footpaths, and other Matters and Things connected with the Maintenance of the said Roads; and on default the said Surveyor may cause to be done in that Behalf what he may think fit; and the said Surveyor may recover the Expense so incurred by him in a summary Manner.

Incorporation of Provisions of Towns Police Clauses Act, 1847.

XVII. The Provisions of "The Towns Police Clauses Act, 1847,"
(1.) With respect to Obstructions and Nuisances in the Streets,
(2.) With respect to Fires,
(3.) With respect to Places of Public Resort,
(4.) With respect to Hackney Carriages,
(5.) With respect to Bathing,
shall be incorporated with this Act.

XVIII. The

Incorporation of Provisions of the Towns Improvement Clauses Act, 1847.

XVIII. The Provisions of "The Towns Improvement Clauses Act, 1847," with respect to the following Matters, that is to say,

(1.) With respect to naming the Streets and numbering the Houses,

(2.) With respect to improving the Line of the Streets and removing Obstructions,

(3.) With respect to ruinous or dangerous Buildings,

(4.) With respect to Precautions during the Construction and Repair of the Sewers, Streets, and Houses,

(5.) With respect to the Prevention of Smoke,

(6.) With respect to Clocks,

shall be incorporated with this Act, subject to this Qualification, that the above-mentioned Provisions with respect to the Prevention of Smoke shall not extend to any of the Processes following; that is to say, to the coking of Coal, the calcining of Ironstone or Limestone, the making or burning of Bricks, Earthenware, Quarries, Tiles, or Pipes, the raising of any Mines or Minerals, the smelting of Iron Ores, the refining, puddling, shingling, and rolling of Iron or other Metals, or to the melting and casting of Iron into Castings.

Where Vestries adopt Baths and Wash-houses Act, Local Board to be Commissioners under that Act.

XIX. In any District where a Vestry adopts the Act passed in the Tenth Year of the Reign of Her present Majesty, Chapter Seventy-four, and intituled "An Act to encourage the Establishment of Public Baths and Wash-houses," the Local Board shall upon such Adoption be the Commissioners for the Execution of the said Act, and shall have all the Powers, Duties, Rights, and Obligations of Commissioners under the said Act; and all Expenses incurred by the Local Board in carrying into execution the Powers given to them by the said Act shall be defrayed out of General District Rates, and all Receipts by them by reason of the Exercise of such Powers shall be carried to the District Fund Account.

Power of Local Board to establish Markets with Consent of Owners and Ratepayers.

XX. The Local Board shall with the Consent of the Owners and Ratepayers of the District, to be expressed by Resolution in the Manner herein-after provided with respect to Resolutions for the Adoption of this Act have the Power to do the following Things or any of them within their District:

(1.) To provide a Market Place, and construct a Market House and other Conveniences, for the Purpose of holding Markets:

To provide Houses and Places for weighing Carts:

To make convenient Approaches to such Market:

To provide all such Matters and Things as may be necessary for the convenient Use of such Market:

To purchase or take on Lease Land, and public or private

Rights in Markets, and Tolls, for any of the foregoing Purposes:

To take Stallages, Rents, and Tolls in respect of the Use by any Person of such Market House:

But no Market shall be established in pursuance of this Section so as to interfere with any Rights, Powers, or Privileges enjoyed within the District by any Person, chartered Joint Stock or incorporated Company, without his or their Consent:

Incorporation of Provisions of the Markets and FairsClauses Act, 1847, for those Purposes.

(2.) For the Purpose of enabling any Local Board to establish Markets in manner aforesaid there shall be incorporated with this Act the Provisions of "The Markets and Fairs Clauses Act, 1847," in so far as the same relate to Markets:

With respect to the holding of the Market or Fair, and the Protection thereof; and

with respect to the weighing Goods and Carts; and

with respect to the Stallages, Rents, and Tolls; and

with respect to Byelaws;

subject to this Proviso, that all Tolls leviable by the Local Board in pursuance of this Section shall be approved by One of Her Majesty's Principal Secretaries of State.

Water Supply.

Extending Powers of 76th Section of Public Health Act, for providing compulsory Water Supply in certain Cases.

XXI. The Powers given to Local Boards by the Seventy-sixth Section of the Public Health Act, 1848, shall extend to any House within their District to which a Supply of Water can be provided at an Expense not exceeding *Threepence* a Week, and Notices under that Section shall be served on Owners of Houses so supplied instead of Occupiers, and Expenses incurred under that Section shall be recoverable from such Owners.

Repealing 93d Section of Public Health Act, and authorizing a Charge for Water.

XXII. The Ninety-third Section of the Public Health Act, 1848, shall be repealed; and in lieu thereof be it enacted as follows:

Whenever any Premises are supplied with Water by a Local Board of Health for domestic, trading, or manufacturing Purposes, the Local Board may make for such Supply such Charge as may be agreed upon between the Local Board and the Persons receiving the Supply;

And whenever Water Rate is referred to in the said Public Health Act, it shall, except in the Case of a Rate levied under the Powers of the Seventy-sixth Section of the said Act, be understood to mean the Charge for Water hereby authorized.

Power of carrying Water Mains.

XXIII. Where the Local Board supply Water to their District they shall have the same Power for carrying Water Mains within the District, as they have for carrying Sewers, by the Law in force for the Time being.

XXIV. (1.) The

Expenses and Rates.

XXIV. (1.) The Eighty-sixth Section of the Public Health Act, 1848, shall be repealed; and whenever Special District Rate is mentioned in the Public Health Act, 1848, that Act shall be read as if no such Rate were mentioned therein: Provided always, that all Debts incurred and Contracts and Engagements entered into by or to any Local Board previously to the passing of this Act, either wholly or partially, may be enforced, and all Powers vested in any Local Board of raising Money by Rates, Tolls, or other Means for the Purpose of satisfying all such of the said Debts, Contracts, and Engagements as were incurred or entered into by such Local Board, may be exercised in the same Manner as if this Act had not been passed; and it shall be lawful for the Local Board, if they think fit, to raise Money for satisfying such Debts, Contracts, and Engagements as last aforesaid by and out of any Property belonging to them, or by and out of any Rates, Tolls, or other Monies leviable by them under this Act, in the Stead of satisfying the same by and out of such Rates, Tolls, or other Means as are firstly herein-before mentioned:

Repealing the Power of levying Special District Rate, and providing for existing Debts.

General District Rate to be used in lieu thereof.

(2.) No Publication shall be required of any Private Improvement Rate:

(3.) The Costs of the Levy of Arrears of any Rate may be included in the Warrant for such Levy.

XXV. The One hundred and seventh, the One hundred and thirteenth, and the One hundred and nineteenth Sections of the Public Health Act, 1848, shall be repealed; and in lieu thereof be it enacted, That the Local Board may, for the Purpose of defraying any Costs, Charges, and Expenses incurred or to be incurred by them in the Execution of this Act or of any Act incorporated herewith, borrow and take up at Interest, on the Credit of the Charges and Rates authorized to be made or collected under this Act, any Sums of Money necessary for defraying any such Costs, Charges, and Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the said Local Board may mortgage to the Persons by or on behalf of whom such Sums are advanced the said Charges and Rates or any of them; but the Exercise of the above Power shall be subject to the following Regulations:

Repealing 107th, 113th, and 119th Sections of the Public Health Act, 1848, and Power for Mortgage of Rates in lieu of repealed Provisions.

(1.) Such Money shall not be borrowed without the Sanction of One of Her Majesty's Principal Secretaries of State:

(2.) The Money so borrowed shall not, except as herein-after provided, at any Time exceed in the whole the assessable Value for *One Year* of the Premises assessable within the District in respect of which such Money may be borrowed:

(3.) The Money may be borrowed for such Time, not exceeding *Thirty* Years, as the Local Board, with the Sanction of One of Her Majesty's Principal Secretaries of State, determine in each Case; and, subject as aforesaid, the Local Board may either pay off the Monies so borrowed by equal annual Instalments, or they may in every Year set apart as a Sinking Fund, and accumulate in the way of Compound Interest by investing the same in the Purchase of Exchequer Bills or other Government Securities, such Sum as will be sufficient to pay off the Monies so borrowed, or a Part thereof, at such Times as the Local Board may determine:

And in Cases where the Local Board borrow any Money for the Purpose of defraying Private Expenses, or Expenses in respect of which they have determined a Part only of the District to be liable, it shall be the Duty of the Local Board, as between the Ratepayers of the District, to make good, so far as they can, the Money so borrowed, as Occasion requires, either out of Private Improvement Rates, or out of a Rate levied in such Part of the District as aforesaid.

Audit of Accounts.

Provisions as to Audit.

XXVI. The One hundred and twenty-second Section of the Public Health Act, 1848, shall be repealed, and, in lieu thereof, be it enacted as follows:

(1.) The Accounts of the Receipts and Expenditure of the Local Board shall be audited and examined once in every Year, as soon as can be after the *Twenty-fifth Day of March*,—

In case of a District consisting of a Borough, by the Auditors of the Borough;

In case of any other District, by the Auditor of Accounts relating to the Relief of the Poor for the Union in which such District or the greater Part thereof is situate, unless such Auditor is a Member of the Local Board whose Accounts he is appointed to audit, in which Case such Accounts shall be audited by such Auditor of any adjoining Union as may from Time to Time be appointed by the Local Board of Health:

And any Auditor acting in pursuance of this Section shall disallow every Item of Account unauthorized by Law, and surcharge the same upon the Person making or authorizing the making of the illegal Payment, and shall certify the same to be due from such Person, and upon Application by any Party aggrieved shall state in Writing the Reasons for his Decision in respect of such Disallowance or Surcharge, and also of any Allowance which he may have made; and any

any Person aggrieved by Disallowance made may apply to the Court of Queen's Bench for a Writ of Certiorari to remove the Disallowance into the said Court, in the same Manner and subject to the same Conditions as are provided in the Case of Disallowances by Auditors under the Laws for the Time being in force with regard to the Relief of the Poor; and the said Court shall have the same Powers with respect to Allowances, Disallowances, and Surcharges under this Act as it has with respect to Disallowances or Allowances by the said Auditors; or in lieu of such Application any Person so aggrieved may appeal to One of Her Her Majesty's Principal Secretaries of State, who shall have the same Powers in the Case of the Appeal as are possessed by the Poor Law Board in the Case of Appeals against Allowances, Disallowances, and Surcharges by the said Poor Law Auditors:

(2.) Every Sum certified to be due from any Person by the Auditor under this Act shall be paid by such Person to the Treasurer of the Local Board within *Fourteen* Days after the same shall have been so certified, unless there be an Appeal against the Decision; and if such Sum shall not be so paid, and there be no such Appeal, the Auditor shall recover the same from the Person against whom the same shall have been certified to be due by the like Process and with the like Powers as in the Case of Sums certified upon the Credit of the Poor Rate Accounts:

Power to Auditor to require Production of Books.

(3.) For the Purpose of any Audit of Account under this Act, every Auditor may, by Summons in Writing, require the Production before him of all Books, Deeds, Contracts, Acounts, Vouchers, and all other Documents and Papers which he may deem necessary, and may require any Person holding or accountable for any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers to appear before him at any such Audit or any Adjournment thereof, and to make and sign a Declaration as to the Correctness of the same; and if any such Person neglects or refuses so to do, or to produce any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers, or to make or sign such Declaration, he shall incur for every Neglect or Refusal a Penalty not exceeding *Forty Shillings*; and if he falsely or corruptly makes or signs any such Declaration, knowing the same to be untrue in any material Particular, he shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury; and such Auditor shall in respect of each Audit be paid, out of the

General District Rates levied under this Act, such reasonable Remuneration, not being less than *Two Guineas* for every Day in which he is employed in such Audit, as the Local Board from Time to Time appoints, together with his Expenses of travelling to and from the Place of Audit :

Notice of Audit.

(4.) Before each Audit of Accounts under this Act, the Local Board shall give *Ten* Days Notice of the Time and Place at which the same will be made, by Advertisement in some One or more of the public Newspapers circulated in the District; and a Copy of the Accounts to be audited shall be deposited in the Office of the Local Board, and be open, during Office Hours thereat, to the Inspection of all Persons interested, for *Seven* Days before the Audit; and all such Persons shall be at liberty to take Copies of or Extracts from the same, without Fee or Reward; and the Production of the Newspaper containing such Notice shall be deemed to be sufficient Proof of the Notice of Audit on any Proceeding whatsoever.

Report of Auditors.

(5.) Within *Fourteen* Days after the Completion of the Audit, the Auditor shall report upon the Accounts audited and examined, and shall deliver such Report to the Clerk of the Local Board, who shall cause the same to be deposited in the Office of the Local Board, and shall publish an Abstract of such Accounts in some One or more of the Newspapers circulated in the District.

Legal Proceedings.

Notices by Local Boards to be signed by Clerk.

XXVII. Any Summons, Demand, or Notice, or other such Document under the Public Health Act, 1848, or any supplemental Act or this Act, may be in Writing or Print, or partly in Writing and partly in Print, and if the same require Authentication by the Local Board, the Signature thereof by the Clerk to the Local Board shall be sufficient Authentication.

Expenses due from Owners to be a Charge on Premises.

XXVIII. Where the Local Board have incurred Expenses, for the Repayment whereof the Owner of the Premises for or in respect of which the same are incurred is made liable by the Public Health Act, 1848, or any Act incorporated therewith, or this Act, the same may be recovered from the Person who is Owner of such Premises when the Works are completed for which such Expenses have been incurred, in the Manner provided by the Public Health Act, 1848, and such Expenses shall be a Charge on the Premises in respect of which they were incurred, and shall bear Interest at the Rate of *Five Pounds* per Centum per Annum till Payment thereof.

XXIX. Memo-

XXIX. Memorials under the One hundred and twentieth Section of the Public Health Act, 1848, from and after the *First Day of September One thousand eight hundred and fifty-eight*, shall be addressed to One of Her Majesty's Principal Secretaries of State, who shall have the same Powers in respect thereof as are vested in the General Board of Health by the said Section.

Memorials in respect of Private Improvement Charges.

XXX. If any Person wilfully injures any Works or Materials belonging to any Local Board, he shall incur for every such Offence a Penalty not exceeding *Five Pounds*, to be recovered in a summary Manner.

Penalty on Injury to Works, &c. of Local Board.

XXXI. All Penalties incurred in any Corporate Borough under the Provisions of the Public Health Act, 1848, or any Act incorporated therewith, or this Act, shall be payable to the District Fund Account, any Act to the contrary notwithstanding.

Penalties to be payable to District Fund Account.

Water Rights.

XXXII. So much of the Hundred and forty-fifth Section of the Public Health Act, 1848, as provides that nothing in that Act shall be construed to authorize a Local Board of Health to use, injure, or interfere with any Watercourse, Stream, River, Dock, Basin, Wharf, Quay, or Towing-path in which the Owner or Occupier of any Lands, Mills, Mines, or Machinery, or the Proprietors or Undertakers of any Canal or Navigation, shall or may be interested, without Consent in Writing first had and obtained, shall be repealed; and in lieu thereof, be it enacted, That no Power given by the Public Health Act, 1848, or any supplemental Act, or this Act, shall be exercised in such Manner as to do the following Things or any of them:

Repeal of 145th Section of Public Heath Act, 1848.

(1.) To interfere with any River, Canal, Dock, Harbour, or Basin, so as to injuriously affect the Navigation thereon, or the Use thereof, or to interfere with any Towing-path so as to interrupt the Traffic thereof, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals are by virtue of any Act of Parliament entitled to navigate on or use such River, Canal, Dock, Harbour, or Basin, or in respect of the Navigation on or Use of which River, Canal, Dock, Harbour, or Basin any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees or Individuals are entitled by virtue of any Act of Parliament to the Receipt of any Tolls or other Dues;

Saving Clause for Proprietors of Canals, &c.

(2.) To interfere with any Watercourse in such Manner as to injuriously affect the Supply of Water to any River, Canal,

Dock, Harbour, Reservoir, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals (being authorized by virtue of any Act of Parliament to navigate on or use such River, Canal, Dock, Harbour, Reservoir, or Basin, or to demand any Tolls or Dues in respect of the Navigation on or Use of such River, Canal, Dock, Harbour, Reservoir, or Basin,) would, if this Act had not passed, have been entitled by Law to prevent or be relieved against such Interference ;

(3.) To interfere with any Bridges crossing any River, Canal, Dock, Harbour, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are authorized by virtue of any Act of Parliament to navigate or use such River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation or Use of such River, Canal, Dock, Harbour, or Basin ;

(4.) To execute any Works in, through, or under any Wharves, Quays, Docks, Harbours, or Basins, to the exclusive Use of which any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are entitled by virtue of any Act of Parliament, or for the Use of which they are entitled by virtue of any Act of Parliament to demand any Tolls or Dues,

without the Consent in every Case of such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as are herein-before in that Behalf respectively mentioned, such Consent to be expressed in Writing, in the Case of a Corporation under their Common Seal, and in the Case of a Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals, under the Hand of their Clerk or other duly authorized Officer or Agent.

Works not within preceding Section, and which interfere with Improvement of Rivers, Canals, &c., to be referred to Arbitration.

XXXIII. In Cases where any Matters or Things proposed to be done by any Local Board, and which are not within the Prohibition aforesaid, interfere with the Improvement of any River, Canal, Dock, Harbour, Basin, or Towing-path which any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the Navigation whereon or Use whereof to demand any Tolls or Dues, or interfere with any Works belonging to such River, Canal, Dock, Harbour, or Basin, or with any Land necessary for the Enjoyment or Improvement thereof, the Local Board shall give to such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as last aforesaid a Notice specifying

specifying the Particulars of the Matters and Things so intended to be done; and if the Parties on whom such Notice is served do not consent to the Requisitions thereof, the Matter in difference shall be referred to Arbitration; and the following Questions shall be decided by such Arbitration; (that is to say,)

(1.) Whether the Matters or Things so proposed to be done by the Local Board will cause any Injury to such River, Canal, Dock, Harbour, Basin, Towing-path, Works, or Land as are herein-before mentioned in this Section, or to the Enjoyment or Improvement of such River, Canal, Dock, Harbour, or Basin as aforesaid:

(2.) Whether any Injury that may be caused by such Matters or Things or any of them is or not of a Nature to admit of being fully compensated by Money.

Effect of Arbitration.

XXXIV. The Result of any such Arbitration shall be final, and the Local Board shall do as follows; (that is to say,)

If the Arbitrators are of opinion that no Injury will be caused, the Local Board may forthwith proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, but that such Injury is of a Nature to admit of being fully compensated by Money, they shall proceed to assess such Compensation; and upon Payment of the Amount so assessed, but not before, the Local Board may proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, and that it is not of a Nature to admit of being fully compensated by Money, the Local Board shall not proceed to do any Matter or Thing in respect of which such Opinion may be given.

Saving Clause as to Transfer.

XXXV. No Transfer of Powers and Privileges under this Act shall deprive any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on any River or Canal, or to demand for their own Benefit in respect of such Navigation any Tolls or Dues, of such Powers and Privileges as are vested in them by any Act of Parliament in relation to such River or Canal.

Power for Corporation to alter Sewers.

XXXVI. Any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on or use any River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation on such River or Canal or the Use of such Dock, Harbour, or Basin, may, at their own Expense, and on substituting other

Sewers, Drains, Culverts, and Pipes equally effectual, take up, divert, or alter the Level of any Sewers, Drains, Culverts, or Pipes constructed by any Local Board, and passing under or interfering with such Rivers, Canals, Docks, Harbours, or Basins, or the Towing-paths of such Rivers, Canals, Docks, Harbours, or Basins, and do all such Matters and Things as may be necessary for carrying into effect such taking up, Diversion, or Alteration.

Saving Clause for Rights of Persons entitled to the Use of Streams, &c.

XXXVII. No Power given by the Public Health Act, 1848, or any supplemental Act, or this Act, shall be exercised in such Manner as to injuriously affect the Supply, Quality, or Fall of Water contained in any Reservoir, River, or Stream, or any Feeders of such Reservoir, River, or Stream, in Cases where Companies or Individuals are entitled for their own Benefit to the Use of such Reservoir, River, or Stream, or to the Supply of Water contained in such Feeders, without the Consent in Writing of the Parties so entitled to the Use of such Reservoirs, Rivers, Streams, and Feeders, and also of the Owners thereof, in Cases where the Owners and Parties so entitled are not the same Persons.

Arbitration Questions under preceding Sections.

XXXVIII. Any Difference of Opinion that may arise between a Local Board and any such Corporation, Company, Commissioners, Conservators, Trustees, or Individuals as aforesaid, whether any Sewers, Drains, Culverts, or Pipes substituted under the Powers of this Act for Sewers, Drains, Culverts, or Pipes constructed or laid down by any Local Board are equally effectual with those for which they are substituted, or whether the Supply, Quality, or Fall of Water in any such Reservoir, River, or Stream as last aforesaid is injuriously affected by the Exercise of Powers under this Act, shall be determined by Arbitration in the Manner herein-before provided; and in the latter Case the Arbitrators shall decide the same Questions as to the alleged Injury; and the Local Board shall proceed in the same Way as is herein-before provided with regard to Arbitrations in Cases of alleged Injury to Rivers, Canals, Docks, Harbours, and Basins.

Purchase of Land.

Regulation as to the Purchase of Land.

XXXIX. So much of the Eighty-fourth Section of the Public Health Act, 1848, as relates to the Incorporation of the Lands Clauses Consolidation Act, 1845, shall be repealed, and the following Regulations shall be observed with respect to the Purchase of Land by Local Boards; (that is to say,)

(1.) The Lands Clauses Consolidation Act, 1845, shall be incorporated with this Act, except the Provisions relating to Access to the Special Act;

(2.) The

(2.) The Local Board shall not put in force any of the Powers of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Land otherwise than by Agreement, except with the Sanction of Parliament:

(3.) Every Local Board, before applying for the Sanction of Parliament, shall Publication of Notices.

publish once at the least in each of *Three* consecutive Weeks in some Newspaper circulated in the District or some Part of the District within which such Local Board has Jurisdiction is situate, an Advertisement describing shortly the Nature of the Undertaking in respect of which the Land is proposed to be taken, naming a Place where a Plan of the proposed Undertaking may be seen at all reasonable Hours, and stating the Quantity of Land that they require; and shall further

serve a Notice in manner herein-after mentioned on every Owner or reputed Owner, Lessee or reputed Lessee and Occupier of such Land, defining in each Case the particular Land intended to be taken, and requiring an Answer, stating whether the Person so served assents, dissents, or is neuter in respect of taking such Land; such Notice to be served Service of Notices.

by Delivery of the same personally on the Party required to be served, or, if such Party is absent abroad, to his Agent; or

by leaving the same at the usual or last known Place of Abode of such Party as aforesaid; or

by forwarding the same by Post in a registered Letter addressed to the usual or last known Place of Abode of such Party:

(4.) Upon Compliance with the Provisions herein-before contained with respect to Advertisements and Notices, the Local Board may present a Petition under their Seal to One of Her Majesty's Principal Secretaries of State: The Petition shall state the Land intended to be taken, and the Purposes for which it is required, and the Names of the Owners, Lessees, and Occupiers of Land who have assented, dissented, or are neuter in respect of the taking such Land, or who have returned no Answer to the Notice: It shall pray that the Local Board may, with reference to such Land, be allowed to put in force the Powers of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Land otherwise than by Agreement, and such Prayer shall be supported by such Evidence as the Secretary of State requires: Local Board to petition Secretary of State.

Secretary of State may direct Inquiry:

(5.) Upon the Receipt of such Petition, and upon due Proof of the proper Advertisements having been published and Notices served, the Secretary of State shall take such Petition into consideration, and may either dismiss the same, or direct an Inquiry in the District in which the Land is situate, or otherwise inquire as to the Propriety of assenting to the Prayer of such Petition; but until such Inquiry has been made in the District, after such Notice as may be directed by the Secretary of State, no Provisional Order shall be made affecting any Land, without the Consent of the Owners, Lessees, and Occupiers thereof:

May make Provisional Order.

(6.) After the Completion of the Inquiry as last aforesaid, the Secretary of State may, by Provisional Order, empower the Local Board to put in force with reference to the Land referred to in such Order the Powers of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Land otherwise than by Agreement, and it shall be the Duty of the Local Board to serve a Copy of any Order so made in the Manner and upon the Person in which and upon whom Notices in respect of such Land are herein-before required to be served.

And obtain Confirmation of Provisional Order by Parliament.

(7.) No Provisional Order so made shall be of any Validity unless the same has been confirmed by Act of Parliament, and it shall be lawful for the Secretary of State as soon as conveniently may be to obtain such Confirmation, and the Act confirming such Order shall be deemed to be a Public General Act of Parliament.

(8.) All Costs, Charges, and Expenses incurred by the said Secretary of State in relation to any such Provisional Order as last aforesaid shall, to such Amount as the Commissioners of Her Majesty's Treasury think proper to direct, become a Charge upon the General District Rates levied in the District to which such Order relates, and be repaid to the said Commissioners of Her Majesty's Treasury by annual Instalments not exceeding *Five*, together with Interest after the yearly Rate of *Five Pounds* in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

As to Adoption of Act and Constitution of Local Boards.

Act to be adopted by Resolution of Council, Improvement Com-

XL. This Act may be adopted,

(1.) In corporate Boroughs to which the Public Health Act, 1848, has not been applied, by a Resolution of the Council assembled at a Meeting held for the Purpose:

(2.) In

missioners, or Owners and Ratepayers.

(2.) In Towns under the Jurisdiction of a Board of Improvement Commissioners, where all or Part of the Commissioners are elected by Ratepayers, by a Resolution of such Improvement Commissioners assembled at a Meeting held for the Purpose:

(3.) In all other Places having a known or defined Boundary, by a Resolution of the Owners and Ratepayers:

As to Resolution of Council or Improvement Commissioners.

But no such Resolution passed by any Council or Board of Improvement Commissioners shall be valid unless *a Month's* previous Notice of the Meeting has been given in manner in which Notices of Meetings of such Council or Board of Commissioners are usually given, nor unless *Two Thirds* of the Members present at the Meeting concur in the Resolution for such Adoption; and it shall be lawful for the Chairman of any such Meeting, with the Consent of a Majority of the Members present, to adjourn the same from Day to Day.

Summoning of Meeting.

XLI. (1.) Meetings for the Purpose of the preceding Section shall be summoned on the Requisition in Writing of any Ten Ratepayers or Owners;

In corporate Boroughs, by the Mayor;

In Towns under the Jurisdiction of such Improvement Commissioners as aforesaid, by the Chairman of the said Commissioners;

In Places having known and defined Boundaries, not being Boroughs or Towns under the Jurisdiction of such Improvement Commissioners as are herein-before mentioned, by the Churchwardens or One of them, or if there are no Churchwardens the Overseers or One of them, or if there is none of the Officers respectively above enumerated, or if such Officer in any case neglects, is unable, or refuses to perform the Duties hereby imposed on him, by any Person appointed by One of Her Majesty's Principal Secretaries of State.

Notice of Meeting.

(2.) In such Places as last aforesaid the Summoning Officer shall upon such Requisition fix a Time and Place for holding such Meeting, and shall forthwith give Notice thereof

By Advertisement in some One or more of the Newspapers circulated in the Place:

By causing such Notice to be affixed to the principal Doors of every Church and Chapel in the Place to which Notices are usually affixed:

Meeting to choose Chairman.

(3.) The Meeting, on its assembling together, shall choose One of its Number as Chairman, who may, with the Consent of a Majority of the Persons present, adjourn the same from Day to Day:

Rules as to passing of

(4.) The Chairman shall propose to the Meeting the Resolution for the Adoption of the Act, and the Meeting shall decide for or against

Resolutions of Owners and Ratepayers.

against such Adoption: Provided, that if any Owner or Ratepayer shall demand that such Question be decided by a Poll of the Owners and Ratepayers, such Poll shall be taken by Voting Papers in the Form given in the Schedule to this Act, in the same Way and with the same Conditions as to Notice of Voting, Delivery, filling up, Collection, Examination, Declaration of the Result, Custody of Voting Papers, Penalty for Neglect or Refusal to comply with the Provisions of the Act, Scale of Votes, and in all other respects whatsoever as is provided in the Public Health Act, 1848, in respect of the Election of Local Boards of Health; and if no Poll is demanded, or if the Demand for a Poll is withdrawn by the Parties making the same, a Declaration by the Chairman shall, in the Absence of Proof to the contrary, be sufficient Evidence of the Decision of such Meeting:

Penalty for forging, &c. of Voting Papers.

(5.) If any Person fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of the Public Health Act, 1848, or this Act, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding *Three* Months, with or without Hard Labour.

Provision as to less Place included within the Limits of a greater.

XLII. In Cases where any Place hereby authorized to adopt this Act includes within its Limits any less Place which, if it were not so included, would of itself be authorized to adopt this Act, such less Place shall not be entitled to adopt this Act unless the greater Place within the Limits of which it is included has refused to adopt the same, or unless it has been determined by One of Her Majesty's Principal Secretaries of State, in manner herein-after mentioned, that such less Place ought, as respects the Adoption of this Act, to be excluded from the Limits of such greater Place.

Adoption of Act by Place not having a known or defined Boundary.

Provision as to settling Boundaries on Petition.

XLIII. (1.) Any Place not having a known or defined Boundary may petition One of Her Majesty's Principal Secretaries of State to settle its Boundary for the Purposes of this Act:

Rules as to Petitions for Settlement of Boundaries.

(2.) The Petition shall state the proposed Boundaries of the Place, shall be signed by *One Tenth* of the Ratepayers resident within such Boundaries, and shall be supported by such Evidence as the said Secretary of State may require:

(3.) Upon

(3.) Upon the Receipt of such Petition the Secretary of State may direct Inquiry to be made as to the Genuineness of the Petition, and as to the Propriety of the proposed Boundaries; and

(4.) *Fourteen* Days Notice of the Time, Place, and Subject of such Inquiry shall be given in the Place to which it refers:

(5.) The said Secretary of State may, upon Consideration of the Matter, either dismiss the Petition altogether, or make Order as to the Boundaries of the Place: He may also make Order as to the Costs of the Proceedings under this Section and the Parties by whom such Costs are to be borne:

Place may adopt Act when Boundary settled.

(6.) Any Place the Boundaries of which have been settled in pursuance of the foregoing Provisions shall thenceforth, for the Purposes of this Act, be deemed to be a Place with a known and defined Boundary, and may adopt this Act accordingly; and for the Purpose of enabling it so to do a Summoning Officer shall be appointed by the Order settling the Boundaries, whose Duty it shall be forthwith to take all such Steps as may be necessary for convening a Meeting of the Ratepayers to decide as to the Adoption of this Act; and if such Officer dies, becomes incapable, neglects or refuses to perform his Duties, the said Secretary of State may, on the Application of any *Four* Ratepayers, appoint another Officer in his Room.

Appeal against Adoption of Act.

Appeal against Resolution adopting Act.

XLIV. (1.) In Cases where a Resolution adopting this Act has been passed in any Place, if any Number, being not less than *One Tenth* of the Owners and Ratepayers of such Place, are desirous that the whole or any Part of such Place should be excluded from the Operation of this Act, they may present a Petition to One of Her Majesty's Principal Secretaries of State, appealing against such Resolution, and praying that such Exclusion may be made.

Petition to Secretary of State.

(2.) Such Petition shall be presented within *Fourteen* Days from the Date of the passing of the Resolution appealed against, and shall where the Exclusion of Part of a Place only is prayed for state,

(1.) The Part of the Place proposed to be excluded, accompanied with an explanatory Plan; and

(2.) The Reasons for such Exclusion:

It shall be subscribed by the Ratepayers presenting the same, and the Genuineness of such Subscription, and the Truth of the Statements on the Petition, shall be proved in such Manner as the Secretary of State directs:

Power of Secretary of State on Receipt of Petition.

(3.) Upon the Receipt of any such Petition as aforesaid, the said Secretary of State may direct Inquiry in the proposed District,

As to the Genuineness of the Petition; and

As to the Matters alleged in such Petition.

Notice of Inquiry.

(4.) *Fourteen* Days Notice of the Time, Place, and Subject of such Inquiry shall be given:

Order to be made.

(5.) The said Secretary of State shall make Order with respect to the Matter in question on such Appeal, and such Order shall be binding on the Place in respect of which it is made, and there shall be stated in such Order the Time at which this Act is to come into force; and the said Secretary of State may make Order as to the Costs of such Appeal and the Parties by whom such Costs are to be borne.

Appeal in case of alleged Invalidity of Vote for Adoption of this Act.

XLV. It shall be lawful for any Owner or Ratepayer who disputes the Validity of the Vote for the Adoption of this Act to appeal within *Fourteen* Days to One of Her Majesty's Principal Secretaries of State, setting forth the Grounds on which he disputes the Validity of such Vote, and it shall be lawful for any of Her Majesty's Principal Secretaries of State, on such Appeal, to direct Inquiry by any Officer employed by him in the Execution of this Act into the Circumstances of the Case, and to issue such Order thereon as he may deem requisite to determine the Questions arising on such Appeal, and as to the Validity or Invalidity of such Vote.

General Provisions in relation to Adoption.

Notice as to Adoption of Act.

XLVI. Whenever a Resolution adopting this Act has been passed in any Place, Notice thereof shall be given to One of Her Majesty's Principal Secretaries of State by the following Persons; that is to say,

In Corporate Boroughs, by the Mayor:

In Towns under the Jurisdiction of such Improvement Commissioners as aforesaid, by the Chairman of the Board of Commissioners:

In other Places, by the Summoning Officer:

The Notice so sent shall be in Writing under the Hand of the Officer hereby required to give the same; and it shall be the Duty of such last-mentioned Officer to publish a Copy of such Notice in manner following; that is to say,

By Advertisement in some One or more of the Newspapers circulated in the Place:

By causing a Copy of such Notice to be affixed to the principal Doors of every Church and Chapel in such Place to which Notices are usually affixed:

And when such Notice has been so given, and the Time for such Appeal has expired, or such Appeal has been dismissed, a Notice shall be published in the London Gazette, by One of Her Majesty's Principal Secretaries of State, that this Act has been adopted within such Place.

Act when to take effect.

XLVII. Whenever any Resolution adopting this Act has been passed in any Place this Act shall, at the Expiration of *Two*

Two Months from the Date of the passing of such Resolution, or in the event of an Appeal then at such Time as may be mentioned in the Order made on such Appeal, have the Force of Law within such Place; and the Expiration of such Period of *Two* Months, or such Date as may be mentioned in the said Order as the Time for this Act to come into force, shall be called the Date of the Constitution of the District; provided that the Provisions of this Act relating to Purposes already included in any Local Act in force within the District with relation to any of the Purposes of the Public Health Act, 1848, or this Act, and not conferring Powers or Privileges upon Corporations, Companies, Undertakers, or Individuals, for their own pecuniary Benefit, notwithstanding the Adoption of the Act, as herein-before provided, shall not come into operation until an Order has been made and confirmed, as herein-after prescribed, for the future Execution, Repeal, or Alteration of the said Local Act.

Objections as to Adoption.

XLVIII. No Objection shall be made at any Trial or in any legal Proceeding to the Validity of the Adoption of this Act, or to any Order made in pursuance of this Act, or to any Proceedings upon which such Order was founded, unless the Objector has given *Fourteen* Days previous Notice to the other Parties interested in such Trial or Proceeding of his Intention to make the same, specifying fully the Nature of the Objection to be made; and no Objection whatever in respect of the Matters mentioned in this Section shall be admissible at any Trial or in any legal Proceeding after the Expiration of *Three* Calendar Months from the Date of the Constitution of the District.

Proof of Adoption.

XLIX. Publication of a Notice by a Secretary of State in the London Gazette that this Act has been adopted in any Place shall be legal Proof of such Adoption.

Costs of Adoption.

L. In Cases where this Act has been adopted, wholly or partially, by any Place, all Costs, Charges, and Expenses incurred by any of Her Majesty's Principal Secretaries of State, in relation to any such Adoption, or to any Proceedings connected therewith, or which such Secretary is required to take under this Act, and not hereby otherwise provided for, shall, to such Amount as the Treasury, by Order, think proper to direct, become a Charge upon the General District Rates levied in such District under the Authority of this Act, and be repaid to the Treasury by annual Instalments not exceeding *Five*, together with Interest after the yearly Rate of *Five Pounds* in the Hundred, to be computed from the Date of any such last-mentioned Order, upon

so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

Constitution of Local Boards.

Local Boards of Health how constituted.

LI. The Duty of carrying into execution this Act shall be vested in a Local Board; and such Local Board shall be,

(1.) In Corporate Boroughs, the Mayor, Aldermen, and Burgesses acting by the Council:

(2.) In Towns under the Jurisdiction of such a Board of Improvement Commissioners as herein-before mentioned, the Board of Commissioners:

(3.) In other Places, such Number of elective Members as may be determined by a Resolution of the Owners and Ratepayers, passed in manner in which Resolutions for the Adoption of this Act are herein-before directed to be passed, at any Meeting held for the Purpose of adopting this Act, or at any Meeting to be summoned by the Summoning Officer for the Purpose of this Section; but no Person shall be qualified to be a Member of such Local Board unless he is at the Time of his Election, and so long as he shall continue in Office by virtue of such Election, resident within the District for which or for Part of which he is elected, or within *Seven* Miles thereof, and is seised or possessed of Real or Personal Estate, or both, to the Value of not less than *Five hundred Pounds* in Districts containing less than Twenty thousand Inhabitants, or to the Value of not less than *One thousand Pounds* in Districts containing Twenty thousand or more Inhabitants, or rated to the Relief of the Poor of such District, or of some Parish within the same, upon an annual Value of not less than *Fifteen Pounds* in Districts containing less than Twenty thousand Inhabitants, or on an annual Value of not less than *Thirty Pounds* in Districts containing Twenty thousand or more Inhabitants; provided that if Two or more Persons be jointly seised or possessed of Real or Personal Estate, or both, of such Value or Amount as would, if equally divided between them, qualify each to be elected, or if Two or more Persons be jointly rated in respect of any Property which, if equally divided between them, would qualify each to be so elected, each of the Persons so jointly seised, possessed, or rated may be elected, but the Property shall not at the same Time qualify the Owner and the Occupier thereof:

District may be divided into Wards.

(4.) Local Boards of Health in Districts where the Public Health Act, 1848, is applied may, with the Sanction of One of Her Majesty's Principal Secretaries of State, divide their District

District into separate Wards, and declare what Proportion of the Members of the Local Board is to be elected by each Ward; in Districts where this Act is adopted, the Owners and Ratepayers may by Resolution direct a Petition to One of Her Majesty's Principal Secretaries of State to divide the District into Wards, for the Purpose of Election of the Local Board, and to declare what Proportion of the Members of the Local Board shall be elected by each Ward, and the said Secretary of State may by his Order make such Division and Declaration after such Inquiry as he shall deem necessary, and *Fourteen* Days Notice shall be given of the Time, Place, and Object of such Inquiry; and if any Member be elected in more than One Ward, he shall within *Three* Days Notice thereof choose, or, in default of his choosing, the Local Board at their next Meeting shall decide for which One of the Wards the Member shall serve, and he shall thereupon be held to be elected in that Ward only, and a Vacancy shall be held to exist on account of the other Ward or Wards: no Person entitled to vote shall give in the whole of the Wards a greater Number of Votes than he would have been entitled to give if the District had not been divided into Wards, nor in any One Ward a greater Number of Votes than he is entitled to in respect of Property in that Ward; but subject to these Limitations, any Rate-payer or Owner may, by Notice in Writing delivered to the Clerk of the Local Board, or in case of the First Election to the Person appointed to conduct that Election, elect in what Ward or Wards he will vote for the ensuing Year, and determine the Proportion of Votes which he will give in any One or more of such Wards, and if he do not give such Notice he shall not be entitled to vote for any Ward in which he does not reside.

Election of Local Boards.

(5.) The Election of Local Boards shall be conducted in the Manner directed by the Public Health Act, 1848, for the Election of Local Boards of Health; and the Summoning Officer shall conduct the First Election; and the Members of the Local Board shall take such Declaration, and be liable to such Disqualifications and Penalties, as the Members of Local Boards of Health under the said Public Health Act as altered by this Act:

(6.) If any Person nominated, or any Person on his Behalf, give Notice in Writing to the Returning Officer, before the Delivery or Collection of the Voting Papers, of an Inten-

tion to send some Agent to accompany the Deliverer or Collector of the Papers, the Returning Officer shall make his Arrangements so as to enable the Person appointed by him to be so accompanied; provided that no such Agent shall interfere in any respect in the Delivery or Collection of the Voting Papers:

Casual Vacancies.

(7.) Any casual Vacancy occurring by Death, Resignation, Disqualification, or otherwise in the Local Board may be filled up within *One Month* by the Local Board out of qualified Persons, but the Member so chosen shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occurred:

First Meeting of Local Board.

(8.) In the Case of Districts not consisting of Boroughs or Towns under the Jurisdiction of such Improvement Commissioners as aforesaid, the First Meeting shall be held on such Day, not more than *Ten* Days after the Election of the Local Board, and at such Place, as the Returning Officer may, by Notice sent by Post or delivered to each Member of such Board, appoint.

Disqualification of Members of Local Boards.

LII. Notwithstanding anything contained in the Public Health Act, 1848,

(1.) No Member of a Local Board shall vacate his Office by reason of his being interested in any Sale or Lease of any Lands, or any Loan of Money to the Local Board:

(2.) Nor by absenting himself from Meetings of the Board, if he be not absent from the District for more than *Six* Months, at One and the same Time, unless in case of Illness:

(3.) It shall be lawful for One of Her Majesty's Principal Secretaries of State to dispense in any Case with the Prohibition contained in the Nineteenth Section of the Public Health Act, 1848, by which no Member of a Local Board, being a Shareholder in any Company or Concern established for the Supply of Water, or for the carrying on of any other Works of a like public Nature, is entitled to vote upon any Question in which such Company or Concern is interested.

Adjoining Districts may unite.

LIII. Adjoining Districts may unite together upon such Terms and subject to such Conditions as the respective Local Boards of such Districts may, with the Sanction of One of Her Majesty's Principal Secretaries of State, determine.

LIV. Every

LIV. Every Local Board may, with the Consent of any adjoining Place maintaining its own Poor, do and execute in such adjoining Place, or in any Part thereof, all or any of such Works or Things as such Local Board may do and execute within their own District, and upon such Terms as to Payment or otherwise as may be agreed upon between such Local Board and such Place; and any Sums agreed to be paid by such Place in pursuance of this Section shall be a Charge upon and payable out of the Poor Rates of such Place, and may be raised as if the same were Expenses legally incurred in the Relief of the Poor of such Place; and the Consent or Agreement of any Place to any Work or Thing shall be signified in the same Manner as the Consent of such Place to the Adoption of this Act is herein-before required to be signified.

Power of Local Board to execute Works in adjoining Places.

Provisional Orders and Powers of Secretary of State.

LV. The One hundred and forty-first Section of the Public Health Act, 1848, shall be repealed, and in lieu thereof be it enacted as follows, whenever it appears to the Local Board of any District desirable,

That any Portion of any adjoining Place should be incorporated with the District, or that any Part of such District should be separated therefrom, or

That Provision should be made for the future Execution of any Local Acts in force within such District, having relation to the Purposes of this Act, and not conferring Powers or Privileges upon Corporations, Companies, Undertakers, or Individuals, for their own pecuniary Benefit; or that any such Acts, or any Provisional Order or Order in Council applying the Public Health Act, 1848, should be wholly or partially repealed or altered,

Petition for Incorporation with or Separation from District, or for Repeal, &c. of Local Acts.

(1.) They may present a Petition to One of Her Majesty's Principal Secretaries of State, praying for such Incorporation, Separation, Provision, Repeal, and Alteration as aforesaid, or for any of such Things, and such Petition shall be supported by such Evidence as the said Secretary requires:

(2.) Upon the Receipt of any such Petition Inquiry may be directed in the District in respect of the several Matters mentioned in the Petition, after giving *Fourteen* Days Notice of the Time, Place, and Subject of the Inquiry:

Power of Secretary of State on Receipt of Petition

(3.) It shall be lawful for any of Her Majesty's Principal Secretaries of State to issue a Provisional Order in relation to the several Things mentioned in the Petition, and either in accordance with the Prayer thereof, or with such Modifications as may be requisite; and when the Order provides for the Incorporation of a Portion of any Place with the District, or the Separation of any Part from the District, an Inspector shall proceed to the District, for the Purpose of obtaining

To issue Order, and obtain Consent of District.

the Consent to such Order of the Place of which it is proposed that a Portion should be incorporated, or of the Part to be separated, and also, if such Order is not in accordance with the Petition, the Consent of the petitioning District:

Consents how testified.

(4.) The Consent of the petitioning District to such Order shall be testified by a Resolution of the Local Board of such District, and the Consent of any Place or Part by a Resolution passed by a Majority of the Ratepayers resident in any such Place or Part assembled at a Meeting convened for the Purpose; and the Inspector shall, for the Purpose of obtaining such Consents, have Power to convene Meetings of the Local Board of any District, or Meetings of the Ratepayers of any Place or Part, with *Fourteen* Days Notice of the Time, Place, and Subject of such Meetings, and to do all such Matters and Things as may be expedient for that Purpose:

Provision as to Meetings of Part or Place.

(5.) In the Case of a Meeting of the Ratepayers of any Place or Part, the Ratepayers present shall elect a Chairman; and a Declaration by the Chairman that the Opinion of the Meeting is in favour or against any Resolution, as the Case may be, shall, in the Absence of Proof to the contrary, be sufficient Evidence that the Resolution is passed: The Inspector shall have Power to attend any such Meeting:

Secretary of State to obtain Confirmation of Order.

(6.) Whenever such Consents as aforesaid have been given to any such Order as herein-before mentioned, the said Secretary of State shall, as soon as conveniently may be, take all necessary Steps for the Confirmation thereof by Act of Parliament; but previously to such Confirmation it shall not be of any Validity whatever.

Extension of borrowing Powers in certain Cases.

LVI. Where a Local Board has executed Works of Sewerage and Water Supply or proposes to execute such Works, and where the Cost of such Works exceeds *One Year's* assessable Value of the Premises assessable within the District in respect of which such Money may be borrowed, it shall be lawful for the Local Board to present a Petition to One of Her Majesty's Principal Secretaries of State praying for Powers to borrow for such Works, on Mortgage of the Rates leviable by them under the Public Health Act, 1848, and this Act, an Amount not exceeding *Two* Years assessable Value of the Premises assessable within the District in respect of which such Money may be borrowed, such Amount to be repaid within such Period not exceeding *Fifty* Years as the Local Board, with the Sanction of One of Her Majesty's Principal Secretaries of State shall in each Case determine; and it shall be lawful for any of Her Majesty's Principal Secretaries of State to direct Inquiry on such Petition, and to issue a Provisional Order thereupon, and to take Steps for the Confirmation of any such Provisional Order by Act of Parliament in the Manner sanctioned in the preceding Section.

LVII. It

Secretary of State to provide for Execution of Act.

LVII. It shall be lawful for the Secretary of State to report annually to Parliament on the Execution of this Act, to make or direct such Inquiries, and to appoint from Time to Time such Officers, Clerks, and Servants as may be necessary for the carrying on of the Business arising under this Act, and at his Pleasure to remove any such Officers, Clerks, or Servants; and the Commissioners of Her Majesty's Treasury shall fix the Salaries and Allowances of such Officers, Clerks, and Servants.

Powers for Inquiry directed by Secretary of State.

LVIII. Any Officer directed by One of Her Majesty's Principal Secretaries of State to inquire into any Matter into which such Secretary is empowered to direct Inquiry under this Act shall, for the Purposes of such Inquiry, have all the Powers vested in superintending Inspectors by the One hundred and twenty-first Section of the Public Health Act, 1848.

Orders of Secretary of State to be binding.

LIX. All Orders made by One of Her Majesty's Principal Secretaries of State in pursuance of this Act shall be binding and conclusive in respect of the Matters to which they refer.

Oxford and Cambridge.

Exception of Oxford and Cambridge.

LX. Notwithstanding anything contained in this Act, the Oxford and Cambridge Commissioners, described in the Thirty-first Section of the Public Health Act, 1848, shall be the Bodies authorized to adopt this Act for the Districts respectively within their Jurisdiction; and in the event of the Adoption of this Act by the said Cambridge Commissioners, the said Commissioners shall be the Local Board for the District of Cambridge; and in the event of such Adoption by the said Oxford Commissioners, the Local Board of the Oxford District shall consist of the Mayor of Oxford and the Vice-Chancellor of the University of Oxford, and of *Forty-five* Commissioners, *Fifteen* to be elected by the University of Oxford, *Fifteen* by the Town Council of Oxford, and *Fifteen* by the Ratepayers of the Parishes situate within the Jurisdiction of the Oxford Commissioners; and the Election of such Commissioners shall be conducted in the same Way and subject to the same Regulations in and subject to which the Members constituting the Body of Oxford Commissioners are now respectively chosen by such University, Town Council, and Ratepayers; and Differences between either of the Universities of Oxford and Cambridge and the Local Boards of Oxford and Cambridge respectively, within the Meaning of the One hundred and forty-fifth Section of the Public Health Act, 1848, shall be settled by Arbitration in the Manner provided by that Act.

SCHEDULE.

Voting Paper.

At a Meeting held on the Day of at the of , in the County of , it was agreed that the following Resolution should be proposed to the Owners and Ratepayers:—

"That the Local Government Act, 1858, be adopted in the of ."

	In favour of.	Against.	Number of Votes	
			As Owner.	As Ratepayers.
Do you vote in favour of or against the Adoption of this Resolution?	*J. S.*			

John Smith,
of 19, Fore Street.

N.B.—The Ratepayer will put his Initials under the Heading "in favour" or "against," according as he votes for or against the Resolution. He is also required to subscribe his Name and Address at full Length. If a Voter cannot write, he must make his Mark instead of Initials, but such Mark must be attested by a Witness, and such Witness must write the Initials of the Voter against his Mark. If a Proxy vote, he must add after his Signature the Words, "as Proxy for," with the Name of Corporation or Company for which he is Proxy. This Paper will be collected on the of , between the Hours of and

Take Notice.—"If any Person wilfully commits any of the Acts following, that is to say, fabricates in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of the Public Health Act, 1848, or this Act, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding *Three* Months, with or without Hard Labour." (*Local Government Act*, 1858, Section XLI.)

(Signed by the Summoning Officer.)

Local Government.

A

BILL

To amend the Public Health Act, 1848, and to make further Provision for the Local Government of Towns and Populous Districts.

(*Prepared and brought in by Mr. C. B. Adderley and Mr. Secretary Walpole.*)

Ordered, by The House of Commons, *to be Printed,* 23 *April* 1858.

[Bill 59.]

Under 5 *oz.*

Local Government Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

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A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Public Health Act, 1848, and to make further Provision for the Local Government of Towns and populous Districts.

WHEREAS it is expedient to amend the Public Health Act, 1848, and to make further Provisions for the Local Government of Towns and populous Districts in England: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say, Preamble.

I. This Act may be cited for all Purposes as "The Local Government Act, 1858." Short Title of Act.

II. The Word "Borough," or "Corporate Borough," when used in this Act, or in any Act conferring Powers of a public Nature on the Corporate Bodies or Boroughs by their Council, shall include all Cities, Ports, Cinque Ports, or Corporate Towns mentioned in the Schedules to the Act passed in the Sixth Year of the Reign of King William the Fourth, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," and all Boroughs incorporated by Charter granted or to be granted in pursuance of that or any subsequent Act. Interpretation of Terms.

III. This Act shall not extend to Scotland or Ireland, and it shall not be adopted by any Place within the Limits of the Metropolis as Limits of Act.

defined for the Purposes of the Act of the Session holden in the Eighteenth and Nineteenth Years of Her present Majesty, intituled "An Act for the better Local Management of the Metropolis."

Incorporation of this Act and the Public Health Act.

IV. This Act shall be construed together with, and be deemed to form Part of, the Public Health Act, 1848: Words used in this Act shall be interpreted in the Sense assigned to them in the said Public Health Act: Byelaws framed under this Act shall be subject to Confirmation and dealt with in all other respects as Byelaws under the said Public Health Act: and the Provisions of each of the said Acts shall so far as may be consistent with the Provisions of this Act respectively be applicable to all Matters and Things arising under the other Act.

Act to take effect from Sept. 1858, in Places under the Public Health Act, but not to affect Qualification of Members in such Places.

V. This Act shall take effect from the First Day of September One thousand eight hundred and fifty-eight in Places where the Public Health Act, 1848, is already in force: Provided always, that nothing in this Act shall affect the Qualification and Number of the Members of Local Boards of Health in such Places, or any Power, Right, Privilege, or Liability of any Board of Improvement Commissioners exercising Powers of the Public Health Act, 1848, or of any Local Board of Health, under or by virtue of any Act of Parliament passed since the passing of the said Public Health Act, except as is specifically enacted in this Act.

Powers of Local Boards under Local Acts not to be affected.

Local Boards under this Act to have Powers of Local Boards of Health under the Public Health Act.

VI. Local Boards under this Act shall, subject to this Act, have all the Powers, Rights, Duties, and Liabilities of Local Boards of Health constituted under the Public Health Act, 1848, and the Acts incorporated therewith.

Construction of incorporated Acts.

VII. In the Construction, for the Purposes of this Act, of the Acts herein-after incorporated the Expression "the Special Act" shall mean the Public Health Act, 1848, as brought into operation within the District, and this Act; the "Limits of the Special Act" shall mean the "Limits of the District;" "the passing of the Special Act" shall mean the Date of the coming in force of this Act, or, in the Case of Districts under the Public Health Act, 1848, the First Day of September One thousand eight hundred and fifty-eight; and the Local Board shall, according to the Tenor of the incorporated Act, be deemed to be the Promoters of the Undertaking, "Town Commissioners," Commissioners, or "Undertakers," and all Penalties incurred under the incorporated Acts shall be recovered in the same way as Penalties incurred under the Public Health Act, 1848, and be applied in aid of the Purposes of that Act and this Act.

Provision in relation to Exercise of

VIII. Whenever the Sanction, Consent, Direction, or Approval of the General Board of Health is required by Law to the Exercise of the

the Powers of Local Boards of Health or Boards of Improvement Commissioners, such Powers may, from the First Day of September One thousand eight hundred and fifty-eight, be exercised without such Sanction, Consent, Direction, or Approval, or any Sanction, Consent, Direction, or Approval in lieu thereof, except in so far as is provided by this Act.

Powers under Public Health Act requiring Sanction of General Board of Health.

As to Adoption of Act and Constitution of Local Boards.

IX. This Act may be adopted,

(1.) In corporate Boroughs to which the Public Health Act, 1848, has not been applied, by a Resolution of the Council assembled at a Meeting held for the Purpose:

(2.) In Places under the Jurisdiction of a Board of Improvement Commissioners, where all or Part of the Commissioners are elected by Ratepayers, or by Owners and Ratepayers, by a Resolution of such Improvement Commissioners assembled at a Meeting held for the purpose:

(3.) In all other Places having a known or defined Boundary, by a Resolution of the Owners and Ratepayers:

Act to be adopted by Resolution of Council, Improvement Commissioners, or Owners and Ratepayers.

But no such Resolution passed by any Council or Board of Improvement Commissioners shall be valid unless a Month's previous Notice of the Meeting has been given in manner in which Notices of Meetings of such Council or Board of Commissioners are usually given, nor unless Two Thirds of the Members present at the Meeting concur in the Resolution for such Adoption; and it shall be lawful for the Chairman of any such Meeting, with the Consent of a Majority of the Members present, to adjourn the same from Day to Day.

As to Resolution of Council or Improvement Commissioners.

X. (1.) Meetings for the Purpose of the preceding Section shall be summoned on the Requisition in Writing of any Twenty Ratepayers or Owners;

In corporate Boroughs, by the Mayor;

In Places under the Jurisdiction of such Improvement Commissioners as aforesaid, by the Chairman of the said Commissioners;

In Places having known and defined Boundaries, not being Corporate Boroughs or Towns under the Jurisdiction of such Improvement Commissioners as are herein-before mentioned, by the Churchwardens or One of them, or if there are no Churchwardens the Overseers or One of them, or if there is none of the Officers respectively above enumerated, or if such Officer in any case neglects, is unable, or refuses to perform the Duties hereby imposed on him, by any Person appointed by One of Her Majesty's Principal Secretaries of State.

Summoning of Meeting.

Notice of Meeting.

(2.) In such Places as last aforesaid the Summoning Officer shall upon such Requisition fix a Time and Place for holding such Meeting, and shall forthwith give Notice thereof

By Advertisement in some One or more of the Newspapers circulated in the Place:

By causing such Notice to be affixed to the principal Doors of every Church and Chapel in the Place to which Notices are usually affixed:

Meeting to choose Chairman.

(3.) The Meeting, on its assembling together, shall choose One of its Number as Chairman, who may, with the Consent of a Majority of the Persons present, adjourn the same from Day to Day:

Rules as to passing of Resolutions of Owners and Ratepayers.

(4.) The Chairman shall propose to the Meeting the Resolution for the Adoption of the Act, and the Meeting shall decide for or against such Adoption: Provided, that if any Owner or Ratepayer shall demand that such Question be decided by a Poll of the Owners and Ratepayers, such Poll shall be taken by Voting Papers in the Form A. given in the Schedule to this Act, in the same Way and with the same Conditions as to Notice of Voting, Delivery, filling up, Collection, Examination, Declaration of the Result, Custody of Voting Papers, Penalty for Neglect or Refusal to comply with the Provisions of the Act, Scale of Votes, and in all other respects whatsoever as is provided in the Public Health Act, 1848, in respect of the Election of Local Boards of Health; and if no Poll is demanded, or if the Demand for a Poll is withdrawn by the Parties making the same, a Declaration by the Chairman shall, in the Absence of Proof to the contrary, be sufficient Evidence of the Decision of such Meeting:

Penalty for forging, &c. of Voting Papers.

(5.) If any Person fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of the Public Health Act, 1848, or this Act, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Three Months, with or without Hard Labour.

Provision as to less Place included within the Limits of a greater.

XI. In Cases where any Place hereby authorized to adopt this Act includes within its Limits any less Place which, if it were not so included, would of itself be authorized to adopt this Act, such less Place shall not be entitled to adopt this Act unless the greater Place within the Limits of which it is included has refused to adopt the same, or unless it has been determined by One of Her Majesty's Principal Secretaries of State, in manner herein-after mentioned, that such

such less Place ought, as respects the Adoption of this Act, to be excluded from the Limits of such greater Place.

Adoption of Act by Place not having a known or defined Boundary.

Provision as to settling Boundaries on Petition.

XII. (1.) Any Place not having a known or defined Boundary may petition One of Her Majesty's Principal Secretaries of State to settle its Boundary for the Purposes of this Act:

Rules as to Petitions for Settlement of Boundaries.

(2.) The Petition shall state the proposed Boundaries of the Place, shall be signed by One Tenth of the Ratepayers resident within such Boundaries, and shall be supported by such Evidence as the said Secretary of State may require:

(3.) Upon the Receipt of such Petition the Secretary of State may direct Inquiry to be made as to the Genuineness of the Petition, and as to the Propriety of the proposed Boundaries; and

(4.) Fourteen Days Notice of the Time, Place, and Subject of such Inquiry shall be given in the Place to which it refers:

(5.) The said Secretary of State may, upon Consideration of the Matter, either dismiss the Petition altogether, or make Order as to the Boundaries of the Place: He may also make Order as to the Costs of the Proceedings under this Section and the Parties by whom such Costs are to be borne:

Place may adopt Act when Boundary settled.

(6.) Any Place the Boundaries of which have been settled in pursuance of the foregoing Provisions shall thenceforth, for the Purposes of this Act, be deemed to be a Place with a known and defined Boundary, and may adopt this Act accordingly; and for the Purpose of enabling it so to do a Summoning Officer shall be appointed by the Order settling the Boundaries, whose Duty it shall be forthwith to take all such Steps as may be necessary for convening a Meeting of the Ratepayers to decide as to the Adoption of this Act; and if such Officer dies, becomes incapable, neglects or refuses to perform his Duties, the said Secretary of State may, on the Application of any Four Ratepayers, appoint another Officer in his Room.

Appeal against Adoption of Act.

Appeal against Resolution adopting Act.

XIII. (1.) In Cases where a Resolution adopting this Act has been passed in any Place, if any Number, being not less than One Twentieth of the Owners and Ratepayers of such Place, are desirous that the whole or any Part of such Place should be excluded from the Operation of this Act, they may present a Petition to One of Her Majesty's Principal Secretaries of State, appealing against such Resolution, and praying that such Exclusion may be made.

Petition to Secretary of State

(2.) Such Petition shall be presented within Fourteen Days from the Date of the passing of the Resolution appealed against, and shall where the Exclusion of Part of a Place only is prayed for state,

(1.) The Part of the Place proposed to be excluded, accompanied with an explanatory Plan; and

(2.) The Reasons for such Exclusion:

It shall be subscribed by the Owners and Ratepayers presenting the same, and the Genuineness of such Subscription, and the Truth of the Statements on the Petition, shall be proved in such Manner as the Secretary of State directs:

Power of Secretary of State on Receipt of Petition.

(3.) Upon the Receipt of any such Petition as aforesaid, the said Secretary of State may direct Inquiry in the proposed District,

As to the Genuineness of the Petition; and

As to the Matters alleged in such Petition.

Notice of Inquiry.

(4.) Fourteen Days Notice of the Time, Place, and Subject of such Inquiry shall be given:

Order to be made.

(5.) The said Secretary of State shall make Order with respect to the Matter in question on such Appeal, and such Order shall be binding on the Place in respect of which it is made, and there shall be stated in such Order the Time at which this Act is to come into force; and the said Secretary of State may make Order as to the Costs of such Appeal and the Parties by whom such Costs are to be borne.

Appeal in case of alleged Invalidity of Vote for Adoption of this Act.

XIV. It shall be lawful for any Owner or Ratepayer who disputes the Validity of the Vote for the Adoption of this Act to appeal within Fourteen Days to One of Her Majesty's Principal Secretaries of State, setting forth the Grounds on which he disputes the Validity of such Vote, and it shall be lawful for any of Her Majesty's Principal Secretaries of State, on such Appeal, to direct Inquiry by any Officer employed by him in the Execution of this Act into the Circumstances of the Case, and to issue such Order thereon as he may deem requisite to determine the Questions arising on such Appeal, and as to the Validity or Invalidity of such Vote.

General Provisions in relation to Adoption.

Notice as to Adoption of Act.

XV. Whenever a Resolution adopting this Act has been passed in any Place, Notice thereof shall be given to One of Her Majesty's Principal Secretaries of State by the following Persons; that is to say,

In Corporate Boroughs, by the Mayor:

In Places under the Jurisdiction of such Improvement Commissioners as aforesaid, by the Chairman of the Board of Commissioners:

In other Places, by the Summoning Officer:

The Notice so sent shall be in Writing under the Hand of the Officer hereby required to give the same; and it shall be the Duty of

of such last-mentioned Officer to publish a Copy of such Notice in manner following; that is to say,

By Advertisement for Three successive Weeks in some One or more of the Newspapers circulated in the Place:

By causing a Copy of such Notice to be affixed to the principal Doors of every Church and Chapel in such Place to which Notices are usually affixed:

And when such Notice has been so given, and the Time for such Appeal has expired, or such Appeal has been dismissed, a Notice shall be published in the London Gazette, by One of Her Majesty's Principal Secretaries of State, that this Act has been adopted within such Place.

Act when to take effect.

XVI. Whenever any Resolution adopting this Act has been passed in any Place this Act shall, at the Expiration of Two Months from the Date of the passing of such Resolution, or in the event of an Appeal, or of a Division of the District into Wards as herein-after provided, then at such Time as may be mentioned in the Order made on such Appeal, or in the Order setting out Wards, have the Force of Law within such Place; and the Expiration of such Period of Two Months, or such Date as may be mentioned in the said Order as the Time for this Act to come into force, shall be called the Date of the Constitution of the District; provided that the Provisions of this Act relating to Purposes already included in any Local Act in force within the District with relation to any of the Purposes of the Public Health Act, 1848, or this Act, and not conferring Powers or Privileges upon Corporations, Companies, Undertakers, or Individuals, for their own pecuniary Benefit, notwithstanding the Adoption of the Act, as herein-before provided, shall not come into operation until an Order has been made and confirmed, as herein-after prescribed, for the future Execution, Repeal, or Alteration of the said Local Act.

Objections as to Adoption.

XVII. No Objection shall be made at any Trial or in any legal Proceeding to the Validity of the Adoption of this Act, or to any Order made in pursuance of this Act, or to any Proceedings upon which such Order was founded, unless the Objector has given Fourteen Days previous Notice to the other Parties interested in such Trial or Proceeding of his Intention to make the same, specifying fully the Nature of the Objection to be made; and no Objection whatever in respect of the Matters mentioned in this Section shall be admissible at any Trial or in any legal Proceeding after the Expiration of Six Calendar Months from the Date of the Constitution of the District.

Proof of Adoption.

XVIII. Publication of a Notice by a Secretary of State once in the London Gazette, and by the Mayor, Chairman of the Board of Improvement Commissioners, or Summoning Officer, respectively, for Three successive Weeks in any Newspaper published and circulated in the Town or District that this Act has been adopted in any Place, shall be conclusive Evidence of such Adoption.

Costs of Adoption.

XIX. In Cases where this Act has been adopted by any Place all Costs, Charges, and Expenses incurred by any of Her Majesty's Principal Secretaries of State, in relation to any such Adoption, or to any Proceedings connected therewith, or which such Secretary is required to take under this Act, and not hereby otherwise provided for, shall, to such Amount as the Treasury, by Order, think proper to direct, become a Charge upon the General District Rates levied in such District under the Authority of this Act, and be repaid to the Treasury by annual Instalments not exceeding Five, together with Interest after the yearly Rate of Five Pounds in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

Constitution of Local Boards.

Local Boards how constituted.

XX. The Duty of carrying into execution this Act shall be vested in a Local Board; and such Local Board shall be,

(1.) In Corporate Boroughs, the Mayor, Aldermen, and Burgesses acting by the Council:

(2.) In Places under the Jurisdiction of such a Board of Improvement Commissioners as herein-before mentioned, the Board of Commissioners:

(3.) In other Places, such Number of elective Members as may be determined by a Resolution of the Owners and Ratepayers, passed in manner in which Resolutions for the Adoption of this Act are herein-before directed to be passed, at any Meeting held for the Purpose of adopting this Act, or at any Meeting to be summoned by the Summoning Officer for the Purpose of this Section; but no Person shall be qualified to be a Member of such Local Board unless he is at the Time of his Election, and so long as he shall continue in Office by virtue of such Election, resident within the District for which or for Part of which he is elected, or within Seven Miles thereof, and is seised or possessed of Real or Personal Estate, or both, to the Value of not less than Five hundred Pounds in Districts containing less than Twenty thousand Inhabitants, or to the Value of not less than One thousand Pounds in Districts containing Twenty thousand or more Inhabitants, or rated to the Relief of the Poor of such District

District, or of some Parish within the same, upon an annual Value of not less than Fifteen Pounds in Districts containing less than Twenty thousand Inhabitants, or on an annual Value of not less than Thirty Pounds in Districts containing Twenty thousand or more Inhabitants; provided that if Two or more Persons be jointly seised or possessed of Real or Personal Estate, or both, of such Value or Amount as would, if equally divided between them, qualify each to be elected, or if Two or more Persons be jointly rated in respect of any Property which, if equally divided between them, would qualify each to be so elected, each of the Persons so jointly seised, possessed, or rated may be elected, but the Property shall not at the same Time qualify the Owner and the Occupier thereof:

District may be divided into Wards.

(4.) Local Boards of Health in Districts where the Public Health Act, 1848, is applied may, with the Sanction of One of Her Majesty's Principal Secretaries of State, divide their District into separate Wards, and declare what Proportion of the Members of the Local Board is to be elected by each Ward; in Districts where this Act is adopted, the Owners and Ratepayers may by Resolution direct a Petition to One of Her Majesty's Principal Secretaries of State to divide the District into Wards, for the Purpose of Election of the Local Board, and to declare what Proportion of the Members of the Local Board shall be elected by each Ward, and the said Secretary of State may by his Order make such Division and Declaration after such Inquiry as he shall deem necessary, and Fourteen Days Notice shall be given of the Time, Place, and Object of such Inquiry; and if any Member be elected in more than One Ward, he shall within Three Days Notice thereof choose, or, in default of his choosing, the Local Board at their next Meeting shall decide for which One of the Wards the Member shall serve, and he shall thereupon be held to be elected in that Ward only, and a Vacancy shall be held to exist on account of the other Ward or Wards. no Person entitled to vote shall give in the whole of the Wards a greater Number of Votes than he would have been entitled to give if the District had not been divided into Wards, nor in any One Ward a greater Number of Votes than he is entitled to in respect of Property in that Ward; but subject to these Limitations, any Rate-payer or Owner may, by Notice in Writing delivered to the Clerk of the Local Board, or in case of the First Election to the Person appointed to conduct that Election, elect in what Ward or Wards he will vote for the ensuing Year, and

determine the Proportion of Votes which he will give in any One or more of such Wards, and if he do not give such Notice he shall not be entitled to vote for any Ward in which he does not reside.

Election of Local Boards.

(5.) The Election of Local Boards shall be conducted in the Manner directed by the Public Health Act, 1848, for the Election of Local Boards of Health; and the Summoning Officer shall conduct the First Election; and the Members of the Local Board shall take such Declaration, continue in Office for the same Time, and be liable to such Disqualifications and Penalties, as the Members of Local Boards of Health under the said Public Health Act as altered by this Act:

(6.) If any Person nominated, or any Person on his Behalf, give Notice in Writing to the Returning Officer, before the Delivery or Collection of the Voting Papers, of an Intention to send some Agent to accompany the Deliverer or Collector of the Papers, the Returning Officer shall make his Arrangements so as to enable the Person appointed by him to be so accompanied; provided that no such Agent shall interfere in any respect in the Delivery or Collection of the Voting Papers:

Casual Vacancies.

(7.) Any casual Vacancy occurring by Death, Resignation, Disqualification, or otherwise in the Local Board may be filled up within One Month by the Local Board out of qualified Persons, but the Member so chosen shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occurred:

First Meeting of Local Board.

(8.) In the Case of Districts not consisting of Boroughs or Towns under the Jurisdiction of such Improvement Commissioners as aforesaid, the First Meeting shall be held on such Day, not more than Ten Days after the Election of the Local Board, and at such Place, as the Returning Officer may, by Notice sent by Post or delivered to each Member of such Board, appoint.

Disqualification of Members of Local Boards.

XXI. Notwithstanding anything contained in the Public Health Act, 1848,

(1.) No Member of a Local Board shall vacate his Office by reason of his being interested in any Sale or Lease of any Lands, or any Loan of Money to the Local Board:

(2.) Nor by absenting himself from Meetings of the Board, if he be not absent from the District for more than Six Months, at One and the same Time, unless in case of Illness:

(3.) It shall be lawful for One of Her Majesty's Principal Secretaries of State to dispense in any Case with the Prohibition contained

contained in the Nineteenth Section of the Public Health Act, 1848, by which no Member of a Local Board, being a Shareholder in any Company or Concern established for the Supply of Water, or for the carrying on of any other Works of a like public Nature, is entitled to vote upon any Question in which such Company or Concern is interested.

Powers of Local Board to vest in Town Council when a District becomes a Corporate Borough.

XXII. So much of the Thirty-third Section of the Public Health Act, 1848, as requires that a Day shall be specified in any Charter of Incorporation by which the District of a Local Board becomes a Corporate Borough, from and after which the Powers, Authorities, Duties, Property, and Liabilities of the Local Board shall be vested in the Mayor, Aldermen, and Burgesses of the Borough by their Council, shall be repealed; and all Transfers of Powers, Authorities, Duties, Property, and Liabilities which have been or shall hereafter be made by any Local Board of Health to the Mayor, Aldermen, and Burgesses of any Corporate Borough by their Council, the District of such Board and such Corporate Borough being identical, shall be valid and effectual to all Intents and Purposes, though no Day for such Transfer shall have been named in the Charter incorporating such Borough.

Adjoining Districts may unite.

XXIII. Adjoining Districts may unite together upon such Terms and subject to such Conditions as the respective Local Boards of such Districts may, with the Sanction of One of Her Majesty's Principal Secretaries of State, determine.

Power of Local Board to execute Works in adjoining Places.

XXIV. Every Local Board may, with the Consent of any adjoining Place maintaining its own Poor, do and execute in such adjoining Place, or in any Part thereof, all or any of such Works or Things as such Local Board may do and execute within their own District, and upon such Terms as to Payment or otherwise as may be agreed upon between such Local Board and such Place; and any Sums agreed to be paid by such Place in pursuance of this Section shall be a Charge upon and payable out of the Poor Rates of such Place, and may be raised as if the same were Expenses legally incurred in the Relief of the Poor of such Place; and the Consent or Agreement of any Place to any Work or Thing shall be signified in the same Manner as the Consent of such Place to the Adoption of this Act is herein-before required to be signified.

As to Powers of Local Boards.

Powers of Local Board as to Sewerage.

Power of Deduction from Rate in respect of Premises sufficiently drained.

XXV. If it appear to a Local Board, that any Premises were sufficiently drained before the Construction of any new Sewer they may lay down, it shall be lawful to deduct from the

Amount of Rates otherwise chargeable in respect of such Premises such a Sum and for such Time as the Local Board may under all the Circumstances of the Case deem to be just.

Powers for disposing of Sewage.

XXVI. Local Boards may,

(1.) Exercise the Powers given by the Forty-sixth Section of the Public Health Act, 1848, also without their District, if necessary for the Purpose of Outfall and Distribution of Sewage, upon making due Compensation, to be settled in the Manner provided in the One hundred and forty-fourth Section of the Public Health Act, 1848:

(2.) Contract with any Company or Person for the Sale of Sewage, or for the Distribution of it over any Land:

(3.) Contract for, purchase, or take on Lease any Lands, Buildings, Engines, Materials, or Apparatus for the Purpose of receiving, storing, disinfecting, or distributing Sewage:

Provided always, that these Things shall be done so as not to create a Nuisance.

Powers as to Scavenging and Cleansing.

Local Boards may cleanse or contract for cleansing.

XXVII. The Fifty-fifth and Fifty-sixth Sections of the Public Health Act, 1848, shall be repealed; and in lieu thereof be it enacted,

(1.) That Local Boards may themselves undertake or contract with any Person for

The proper cleansing and watering of Streets:

The Removal of Refuse from Premises:

The cleansing of Privies and Cesspools;

either for the whole or any Part of their District; and all Matters thus collected by the Local Board or Contractor may be sold or otherwise disposed of, and any Profits thus made by the Local Board shall be carried to the District Fund Account:

(2.) If any Person, not being the Occupier of a House within the District, removes, or obstructs the Local Board or Contractor in removing any Matters hereby authorized to be removed by the Local Board, he shall for each Offence incur a Penalty not exceeding Five Pounds; and if any Person, being the Occupier of a House within the District, removes, or obstructs the Local Board or Contractor in removing, any such Matters (except in Cases where such Matters are produced on his own Premises, and are removed for his own Use for Manure, as may be approved by the Local Board, and are in the meantime kept so as not to be a Nuisance), he shall for each Offence incur a Penalty not exceeding Forty Shillings:

(3.) In Parts where the Local Board do not themselves undertake or contract with any Person for—

The cleansing of Footways and Pavements adjoining any Premises,—

The

The Removal of Refuse from any Premises,—

The cleansing of Privies and Cesspools,—

They may make Byelaws imposing the Duty of such Cleansing or Removal on the Occupier of any such Premises.

(4.) The Local Board may make Byelaws for the Prevention of Nuisances arising from Snow, Filth, Dust, Ashes, and Rubbish within their District, or of the keeping of Animals so as to be injurious to the Public Health: Local Board may make Byelaws as to Nuisances.

(5.) Whenever the Local Board have removed any noxious or offensive Accumulation under the Fifty-ninth Section of the Public Health Act, 1848, the Expenses of Removal, so far as the same are not covered by the Sale of the said Accumulation, shall be recoverable in a summary Manner from the Occupier of the Premises on which such Accumulation existed, or from the Person causing such Accumulation, or may, by Order of the Board, be declared to be Private Improvement Expenses. Amendment of Sect. 59. of 11 & 12 Vict. c. 63. as to Removal of Accumulations.

XXVIII. Whenever the Surveyor, in the Course of any Examination made by him in pursuance of the Fifty-fourth Section of the Public Health Act, 1848, finds any such Drain, Watercloset, Privy, Cesspool, or Ashpit, as therein mentioned, to be in bad Order and Condition, or to require Alteration, it shall not be necessary for him to cause the Ground to be closed before the necessary Works are set about for amending such Drain, Watercloset, Privy, Cesspool, or Ashpit; provided that such necessary Works are undertaken forthwith. Amendment of Sect. 54. of 11 & 12 Vict. c. 63.

Powers for Regulation of Buildings.

XXIX. The Fifty-third and Seventy-second Sections of the Public Health Act, 1848, shall be repealed; and in lieu thereof be it enacted as follows: New Streets and Houses.

Every Local Board may make Byelaws with respect to the following Matters; (that is to say,)

(1.) With respect to the Level, Width, and Construction of new Streets, and the Provisions for the Sewerage thereof:

(2.) With respect to the Structure of Walls of new Buildings for securing Stability and the Prevention of Fires:

(3.) With respect to the Sufficiency of the Space about Buildings to secure a free Circulation of Air, and with respect to the Ventilation of Buildings:

(4.) With respect to the Drainage of Buildings, to Waterclosets, Privies, Ashpits, and Cesspools, in connexion with Buildings, and to the closing of Buildings or Parts of Buildings unfit for Human Habitation, and to Prohibition of their Use for such Habitation:

And they may further provide for the Observance of the same by enacting therein such Provisions as they think necessary as to the giving of Notices, as to the Deposit of Plans and Sections by Persons intending

to lay out Streets or to construct Buildings, as to Inspection by the Local Board, and as to the Power of the Local Board to remove, alter, or pull down any Work begun or done in contravention of such Byelaws: Provided always, that no such Byelaw shall affect any Building erected before the Date of the Constitution of the District.

But for the Purposes of this Act, the re-erecting of any Building pulled down to or below the Ground Floor, or of any Frame Building of which only the Frame Work shall be left down to the Ground Floor, or the Conversion into a Dwelling House of any Building not originally constructed for Human Habitations, or the Conversion into more than One Dwelling House of a Building originally constructed as One Dwelling House only, shall be considered the Erection of a new Building.

Highway Repairs.

Cost of Highway Repair to be defrayed out of General District Rate in certain Cases.

XXX. And whereas Doubts have arisen as to the Rate out of which the repair of Highways is to be provided for in Districts under the Public Health Act, 1848: Be it enacted, That in such Districts, or in Districts where this Act is adopted:

(1.) Where the whole of the District is rated to Works of Paving, Lighting, Water Supply, and Sewerage, or to Works for such of these Purposes as are provided for in the District, the Cost of Repair of Highways shall be defrayed out of the General District Rate:

Power to levy Highway Rates in certain Cases.

(2.) Where those Parts of a District not directly benefitted by Works of Paving, Lighting, Water Supply, and Sewerage, or by Works for such of these Purposes as have been provided for in the District, are not rated for or towards the Cost of such Works, the Cost of the Repair of Highways in the same Parts shall be defrayed out of a Highway Rate to be separately assessed and levied in the same Parts by the Local Board as Surveyor of Highways, and the Cost of such Repair in the Residue of the District shall be defrayed out of the General District Rate:

Certain Acts not required in case of Highway Rate made by Local Board.

(3.) Provided, that it shall not be necessary for any Local Board, in the Case of any Highway Rate made by them, to do the following Acts or any of them; that is to say,

To lay such Rate before any Justices, or obtain their Allowance:

To annex thereto the Signature of such Local Board:

To lay the same before the Parishioners assembled in Vestry:

To verify before any Justices any Accounts kept by them of such Highway Rates:

And all such Accounts shall be audited in all respects in the same Way as the other Accounts of Local Boards, and all ministerial Acts required by any Act of Parliament to be done by the Surveyor of Highways may be done by the Surveyor of the Local Board, or by such other Person as they may appoint:

(4.) The

(4.) The Surplus of any Monies directed by the One hundred and seventeenth Section of the Public Health Act, 1848, to be paid by Surveyors of Highways to the Treasurer of the Local Board, and to be carried to the District Fund Account, shall, for every District or Part of a District where the Roads are repaired out of Highway Rate, be carried by the same Treasurer to a separate Account to be kept by him, and called the Highway Rate Account.

Application of Surplus under 11 & 12 Vict. c. 63. s. 117.

Powers as to Streets and Roads.

XXXI. The Powers given to Local Boards of Health by the Sixty-ninth and Seventieth Sections of the Public Health Act, 1848, to compel the sewering, levelling, paving, flagging, and channelling of Streets that are not Highways repairable at the Public Expense, and after the Completion of such Works to declare such Streets Highways repairable at the Public Expense, shall extend to providing the Means of lighting or making good such Streets, and may be exercised in respect of the Carriageway, Footway, or any Part of such Streets; and the said Powers shall also be deemed to have extended and shall extend and be exercised in respect of any Street or Road of which a Part was at the Time of the Application of the Public Health Act, 1848, or is or may be a Public Footpath, or repairable at the public Expense, as fully as if the whole of such Street or Road had been or was a Highway not repairable at the public Expense,

Local Board may provide for sewering, &c. of Parts of Streets not being Highways.

(1.) In Cases where any such Street as aforesaid is bounded on One Side thereof or of any Part thereof by Premises fronting, adjoining, or abutting upon such Street, and not within the District in which such Street may be situated, and such Street, or the Carriage or Foot Way thereof, shall not be sewered, levelled, paved, flagged, channelled, or made good to the Satisfaction of the Local Board within whose District such Premises are situate, the said Local Board may from Time to Time agree with the Local Board, or other Local Authority within whose Jurisdiction such Street may be situate, for the sewering, levelling, paving, flagging, channelling, or making good of such Street, and may pay the Expense of such Works out of any Funds in their Hands, and may recover such Expenses from the Owners in default, according to the Frontage of their respective Premises, or in such other Proportions as may be settled by the Surveyor of the last-mentioned Local Board, or in case of Dispute by Arbitration; and such Expenses may be recovered from the last-mentioned Owners in a summary Manner, or the same may be declared by the Order of the last-mentioned Local Board Board to be Private Improvement Expenses, and be recoverable accordingly; and from and after the executing such

Provision as to Streets forming Limits of District.

Works such Street shall be a Public Street of the District within which it is situate:

Ministers of Religion not to be deemed Owners for the Purposes of this Section.

(2.) No Incumbent or Minister of any Church, Chapel, or Place appropriated to Public Religious Worship, which is now by Law exempt from Rates for the Relief of the Poor, shall be liable to any Expenses under the Sixty-ninth Section of the Public Health Act, 1848, or this Section, as the Owner or Occupier of such Church, Chapel, or Place, or of any Churchyard or Burial Ground attached thereto, nor shall any such Expenses be deemed to be a Charge on such Church, Chapel, or other Place, or on such Churchyard or Burial Ground, or to subject the same to Distress, Execution, or other legal Process; and the Local Board may, if they think fit, undertake any Works from the Expenses of which any such Incumbent or Minister is hereby exempted.

Powers of Local Boards to make Agreements with Turnpike Trustees.

XXXII. It shall be lawful for any Local Board, by Agreement with the Trustees of any Turnpike Road, or with any Corporation or Person liable to repair any Street or Road, or any Part thereof, or with Surveyors of any Bridge repaired by any County, Riding, or Division, to take upon themselves the Maintenance, Repair, Cleansing, or Watering of any such Street or Road or any Part thereof, or of any Road over any County Bridge, and the Approaches thereto, or of any Part of the said Roads within their District, and to remove any Turnpike Gates, Toll Gates, or Bars which may be situate within Two Miles from the Centre of any Town or Place within their District, and to erect other Turnpike Gates, Toll Gates, or Bars in lieu thereof, on such Terms as the Local Board and the Trustees or Corporation or Person or Surveyor aforesaid may agree upon between themselves.

Saving Clause as to certain Turnpike Roads.

XXXIII. Notwithstanding anything contained in the Public Health Act, 1848, or this Act, it shall not be lawful for any Local Board to open or in any way disturb any of the Public Roads or Footpaths under the Charge of the Commissioners of the Metropolis Turnpike Roads North of the Thames, or of the New Cross Turnpike Roads, or of the Trustees acting in execution of the Surrey and Sussex Roads Act, 1850, except upon the Conditions and subject to the Regulations herein-after contained; that is to say,

(1.) The Local Board shall leave at the Office of the Commissioners or Trustees of such Road Seven Days, previous Notice, containing full Particulars of any Works intended to be executed by them, and affecting any of such Roads:

(2.) If the general Surveyor of the said Commissioners or Trustees directs the Works to be on any particular Part of such Roads, the Local Board shall be bound to obey such Directions:

(3.) Except

(3.) Except by the Permission of the said Commissioners or Trustees, the Traffic of any of the said Roads shall not at One Time be stopped or in any way hindered along more than Half of its Width, nor, if the Half left open is of less than the clear Width of Fourteen Feet, along more than One hundred Yards in Length, and no Alteration shall be made in the Inclination of any of the said Roads of more than One Foot in Sixty Feet:

(4.) All Works shall be done under the Superintendence of the general Surveyor; and all such Precautions as he may direct for the Protection and Convenience of the Public shall be taken, by and at the Expense of the Party doing the Works, and in default the said Surveyor shall cause to be done in that Behalf what he may think proper; and the Party doing the Works shall in all Cases of Damage occurring by reason of such Works, and whether such Precautions are or not taken, be answerable to the Person suffering such Damage, the said Commissioners or Trustees being hereby absolved from all Liability in respect of the Consequences of such Works:

(5.) The Party doing the Works shall, as regards every Road opened or disturbed, restore the same to its original State as to Surface and Materials, and, in order to meet the Expenses consequent upon the Subsidence of Materials newly filled in, shall repay to the said Commissioners or Trustees, on Demand, such Sum as they have expended in Restoration of the Road, not exceeding One Shilling for every superficial Square Yard, and, so far as the Works affect the same, shall make good all Drainage, paving of Water Channels, Curbs of Footpaths, and other Matters and Things connected with the Maintenance of the said Roads; and on default the said Surveyor may cause to be done in that Behalf what he may think fit; and the said Surveyor may recover the Expense so incurred by him in a summary Manner.

Incorporated Powers.

Incorporation of Provisions of Towns Police Clauses Act, 1847.

XXXIV. The Provisions of "The Towns Police Clauses Act, 1847,"

(1.) With respect to Obstructions and Nuisances in the Streets,
(2.) With respect to Fires,
(3.) With respect to Places of Public Resort,
(4.) With respect to Hackney Carriages,
(5.) With respect to Bathing,

shall be incorporated with this Act.

 XXXV. The

Incorporation of Provisions of the Towns Improvement Clauses Act, 1847.

XXXV. The Provisions of "The Towns Improvement Clauses Act, 1847," with respect to the following Matters, that is to say,

(1.) With respect to naming the Streets and numbering the Houses,

(2.) With respect to improving the Line of the Streets and removing Obstructions,

(3.) With respect to ruinous or dangerous Buildings,

(4.) With respect to Precautions during the Construction and Repair of the Sewers, Streets, and Houses,

(5.) With respect to the Prevention of Smoke,

(6.) With respect to Slaughter Houses,

(7.) With respect to Clocks,

shall be incorporated with this Act, subject to this Qualification, that the above-mentioned Provisions with respect to the Prevention of Smoke shall not extend to any of the Processes following; that is to say, to the coking of Coal, the calcining of Ironstone or Limestone, the making or burning of Bricks, Earthenware, Quarries, Tiles, or Pipes, the raising of any Mines or Minerals, the smelting of Iron Ores, the refining, puddling, shingling, and rolling of Iron or other Metals, or to the melting and casting of Iron into Castings.

Watering and Lighting Act to be superseded by this Act.

XXXVI. In any District where the Public Health Act, 1848, is in force, or where this Act is adopted, and in which the Act passed in the Third and Fourth Years of the Reign of King William the Fourth, intituled "An Act to repeal an Act of the Eleventh Year of "His late Majesty King George the Fourth for the lighting and "watching of Parishes in England and Wales, and to make other "Provisions in lieu thereof," has been adopted, the said Act shall be superseded by this Act, and all Lamps, Lamp-posts, Gas Pipes, Fire Engines, Hose, and other Property vested in the Inspectors for the Time being under the said Act, shall, in all existing Districts under the Public Health Act, 1848, and elsewhere upon the Adoption of this Act, vest in the Local Board.

Where Vestries adopt Baths and Wash-houses Act, Local Board to be Commissioners under that Act.

XXXVII. In any District where a Vestry adopts the Act passed in the Tenth Year of the Reign of Her present Majesty, Chapter Seventy-four, and intituled "An Act to encourage the Establish-"ment of Public Baths and Wash-houses," the Local Board shall upon such Adoption be the Commissioners for the Execution of the said Act, and shall have all the Powers, Duties, Rights, and Obligations of Commissioners under the said Act; and all Expenses incurred by the Local Board in carrying into execution the Powers given to them by the said Act shall be defrayed out of General District Rates, and all Receipts by them by reason of the Exercise of such Powers shall be carried to the District Fund Account.

XXXVIII. The

Repeal of Sections of Public Health Act, with respect to Slaughter Houses.

XXXVIII. The Sixty-first and Sixty-second Sections of the Public Health Act, 1848, shall be repealed.

Local Board to be Burial Board of District, though the Burial Ground be provided for Parts of the District only.

XXXIX. In any District where a Vestry of any One or more Parish or Place comprised therein having a known or defined Boundary adopts the Act passed in the Twentieth and Twenty-first Year of the Reign of Her present Majesty, Chapter Eighty-one, and intituled "An Act to amend the Burial Acts," the Local Board shall, upon such Adoption, be the Burial Board for the Execution of the said Act within such Parish or Parishes, Place or Places so adopting the Act as aforesaid, and shall have all the Powers, Duties, Rights, and Obligations of a Burial Board under the said Act; and all Expenses incurred by the Local Board in carrying into execution the Powers given to them by the said Act shall be defrayed out of Rates to be levied on such Parish or Parishes, Place or Places so adopting the Act as aforesaid, in the same Manner as General District Rates are to be levied under the Provisions of this Act; and all Receipts by them, by reason of the Exercise of such Powers, shall be carried to the Credit of such Parish or Parishes, Place or Places so adopting the Act as aforesaid: Provided nevertheless, that in case the Parish or Parishes, Place or Places comprised in such District so adopting the Act as aforesaid shall have been declared a Ward or Wards for the Election of Members of the Local Board, and Members shall have been elected by and for such Ward or Wards, the last-mentioned Members shall form the Burial Board for such Parish or Parishes, Place or Places so formed into a Ward or Wards as aforesaid, instead of the Members of the said Local Board, and shall have all the like Powers, Duties, Rights, and Obligations of the Burial Board under said Act of the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Eighty-one.

Power of Local Board to establish Markets with Consent of Owners and Ratepayers.

XL. The Local Board shall in Non-Corporate Districts, with the Consent of the Owners and Ratepayers of the District, to be expressed by Resolution in the Manner herein-after provided with respect to Resolutions for the Adoption of this Act, and in Corporate Districts shall, with the Consent of Two Thirds of the Local Board, have the Power to do the following Things or any of them within their District:

(1.) To provide a Market Place, and construct a Market House and other Conveniences, for the Purpose of holding Markets:

To provide Houses and Places for weighing Carts:

To make convenient Approaches to such Market:

To provide all such Matters and Things as may be necessary for the convenient Use of such Market:

To purchase or take on Lease Land, and public or private Rights in Markets, and Tolls, for any of the foregoing Purposes:

To take Stallages, Rents, and Tolls in respect of the Use by any Person of such Market House:

But no Market shall be established in pursuance of this Section so as to interfere with any Rights, Powers, or Privileges enjoyed within the District by any Person, chartered Joint Stock or incorporated Company, without his or their Consent:

Incorporation of Provisions of the Markets and FairsClauses Act, 1847, for those Purposes.

(2.) For the Purpose of enabling any Local Board to establish Markets in manner aforesaid, or to regulate Markets already established in their District by the Council of any Corporate Borough before the Constitution of a Local Board therein, there shall be incorporated with this Act the Provisions of "The Markets and Fairs Clauses Act, 1847," in so far as the same relate to Markets:

With respect to the holding of the Market or Fair, and the Protection thereof; and

with respect to the weighing Goods and Carts; and

with respect to the Stallages, Rents, and Tolls; and

with respect to Byelaws;

subject to this Proviso, that all Tolls leviable by the Local Board in pursuance of this Section shall be approved by One of Her Majesty's Principal Secretaries of State.

Water Supply.

Extending Powers of 76th Section of Public Health Act, for providing compulsory Water Supply in certain Cases.

XLI. The Powers given to Local Boards by the Seventy-sixth Section of the Public Health Act, 1848, shall extend to any House within their District to which a Supply of Water can be provided at an Expense not exceeding the Water Rate authorized by any Local Act in force in the District, or, where there is no such Act, at an Expense not exceeding Five Pounds per Centum on the annual Value of the Premises, and Notices under that Section shall be served on Owners of Houses so supplied instead of Occupiers, and Expenses incurred under that Section shall be recoverable from such Owners.

Repealing 93d Section of Public Health Act, and authorizing a Charge for Water.

XLII. The Ninety-third Section of the Public Health Act, 1848, shall be repealed; and in lieu thereof be it enacted as follows:

Whenever any Premises are supplied with Water by a Local Board of Health for domestic, trading, or manufacturing Purposes, the Local Board may make for such Supply such Charge as may be agreed upon between the Local Board and the Persons receiving the Supply;

And, in the Absence of any special Agreement for such Charge, an Agreement to pay the same shall, under the following Circum-

Circumstances, be inferred and capable of being enforced; that is to say: If the Local Board shall, One Calendar Month at least before the respective Dates at which the Charges for Water will from Time to Time become payable in advance, give Notice in some One or more of the public Newspapers usually circulated within their District, specifying the Scale of Charges which they propose to make during the Period in such Notice named for that Purpose, all Persons whose Premises shall be supplied with Water by such Local Board during such Period shall be deemed to have agreed to the Charge in such Scale respectively applicable to such Premises, unless before the Expiration of such Calendar Month Notice in Writing shall have been given to the Local Board or their Clerk to discontinue such Supply;

Scale of Charges to be published.

And the Provisions of the Ninety-fifth Section of the Public Health Act, 1848, in reference to compounding for Rates shall be extended to the Charges for Water hereby authorized;

Composition for Charges for Water Supply.

And whenever Water Rate is referred to in the said Public Health Act, it shall, except in the Case of a Rate levied under the Powers of the Seventy-sixth Section of the said Act, be understood to mean the Charge for Water hereby authorized.

XLIII. Where the Local Board supply Water to their District they shall have the same Power for carrying Water Mains within the District, as they have for carrying Sewers, by the Law in force for the Time being.

Power of carrying Water Mains.

Expenses and Rates.

XLIV. (1.) The Eighty-sixth Section of the Public Health Act, 1848, shall be repealed; and whenever Special District Rate is mentioned in the Public Health Act, 1848, that Act shall be read as if no such Rate were mentioned therein: Provided always, that all Debts incurred and Contracts and Engagements entered into by or to any Local Board previously to the passing of this Act, either wholly or partially, may be enforced, and all Powers vested in any Local Board of raising Money by Rates, Tolls, or other Means for the Purpose of satisfying all such of the said Debts, Contracts, and Engagements as were incurred or entered into by such Local Board, may be exercised in the same Manner as if this Act had not been passed; and it shall be lawful for the Local Board, if they think fit, to raise Money for satisfying such Debts, Contracts, and Engagements as last aforesaid by and out of any Property belonging to them, or by and out of any Rates, Tolls, or other Monies leviable by them under this Act, in the Stead of satisfying the same by and out of such Rates, Tolls, or other Means as are firstly herein-before mentioned:

Repealing the Power of levying Special District Rate, and providing for existing Debts.

(2.) No Publication shall be required of any Private Improvement Rate:

(3.) The Costs of the Levy of Arrears of any Rate may be included in the Warrant for such Levy.

Mode of Assessment of General District Rate, and Provision for compounding for Rates in the Case of small Tenements.

XLV. The Eighty-eighth and Ninety-fifth Sections of "The Public Health Act, 1848," shall be repealed, and in lieu thereof be it enacted, That the General District Rates shall be made and levied upon the Occupier of all such Kinds of Property as by the Laws in force for the Time being are or may be assessable to any Rate for the Relief of the Poor, and shall be assessed upon the full net annual Value of such Property, ascertained by the Rate (if any) for the Relief of the Poor made next before the making of the Assessments under this Act, subject however to the following Exceptions, Regulations, and Conditions; namely:

The Owner, instead of the Occupier, may, at the Option of the Local Board, be rated in Cases—

Where the rateable Value of any Premises liable to Assessment under this Act does not exceed the Sum of Ten Pounds; or,

Where any Premises liable to an Assessment are let to weekly or monthly Tenants; or,

Where any Premises so liable as aforesaid are let in separate Apartments, and the Rents become payable or are collected at any shorter Period than quarterly; subject to this Proviso, that in Cases where the Owner is rated instead the Occupier he shall be assessed upon such reduced Estimate as the Local Board deems reasonable of the net annual Value, not being less than Two Thirds nor more than Four Fifths of such annual Value:

And where such reduced Estimate is in respect of Tenements, whether occupied or unoccupied, then such Assessment may be made on One Half of the Amount at which such Tenements would be liable to be rated if the same were occupied and the Rate were levied on the Occupiers:

Certain Kinds of Property assessable on One Fourth of their net annual Value.

The Owner of any Tithes, or of any Tithe Commutation Rent-charge, or the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water, or used only as a Canal or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for Public Conveyance, shall be assessed in respect of the same in the Proportion of One Fourth Part only of such net annual Value thereof:

Provided

Provided nevertheless, that if within any District or Part of a District any Kind of Property shall before the passing of "The Public Health Act, 1848," have been exempted from rating by any Local Act in respect of all or any of the Purposes for which General District Rates may be made under this Act, the same Kind of Property shall, in respect of the same Purposes, and to the same Extent within the Parts to which the Exemption applies, but not further or otherwise, be exempt from Assessment to any General District Rates under this Act, unless a Provisional Order obtained and confirmed by Parliament in manner herein-after provided shall otherwise direct.

Provision as to Exemptions from rating under Local Acts.

XLVI. For the Purpose of assessing the General District Rate, any Person appointed by the Local Board may inspect, take Copies of, or make Extracts from any Rate for the Relief of the Poor within the District, or any Books relating to the same; and if any Officer having the Custody of such last-mentioned Rate or Book refuses to permit any such Inspection, or the taking of any such Copies or Extract, he shall for each Offence incur a Penalty not exceeding Five Pounds: If there is no such Assessment as aforesaid for the Relief of the Poor by reference to which such net annual Value can be estimated, or if such Assessment is, in the Judgment of the Local Board, an unfit Criterion for making a General District Rate, a Valuation shall be made by a Person appointed by the Local Board for that Purpose, in manner, as near as Circumstances will permit, prescribed by an Act passed in the Seventh Year of the Reign of King William the Fourth, intituled "An Act to regulate Parochial Assessments," or any other Act for the Time being in force for regulating Parochial Assessments; and the net annual Value of the Property shall be ascertained by reference to the said Valuation and Assessment.

Poor Rate Books to be accessible for rating under Public Health Acts.

Power of Re-valuation.

XLVII. The One hundred and seventh, the One hundred and thirteenth, and the One hundred and nineteenth Sections of the Public Health Act, 1848, shall be repealed; and in lieu thereof, be it enacted, That the Local Board, or any Board of Improvement Commissioners exercising the borrowing Powers of the Public Health Act, 1848, may, for the Purpose of defraying any Costs, Charges, and Expenses incurred or to be incurred by them in the Execution of this Act or of any Act incorporated herewith, or of any Act incorporating the Powers of the Public Health Act, 1848, borrow and take up at Interest, on the Credit of the Charges and Rates authorized to be made or collected under the said Acts respectively, any Sums of Money necessary for defraying any such Costs, Charges, and Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the said Local Board may mortgage to the Persons by or on behalf of whom such Sums are advanced the said Charges and Rates or any of them; but the Exercise of the above Power shall be subject to the following Regulations:

Repealing 107th, 113th, and 119th Sections of the Public Health Act, 1848, and Power for Mortgage of Rates in lieu of repealed Provisions.

(1.) Such Money shall not be borrowed except for permanent Works, nor without the Sanction of One of Her Majesty's Principal Secretaries of State:

(2.) The Money so borrowed shall not, except as herein-after provided, at any Time exceed in the whole the assessable Value for *One Year* of the Premises assessable within the District in respect of which such Money may be borrowed:

(3.) The Money may be borrowed for such Time, not exceeding Thirty Years, as the Local Board, with the Sanction of One of Her Majesty's Principal Secretaries of State, determine in each Case; and, subject as aforesaid, the Local Board may either pay off the Monies so borrowed by equal annual Instalments, or they may in every Year set apart as a Sinking Fund, and accumulate in the way of Compound Interest by investing the same in the Purchase of Exchequer Bills or other Government Securities, such Sum as will be sufficient to pay off the Monies so borrowed, or a Part thereof, at such Times as the Local Board may determine:

And in Cases where the Local Board borrow any Money for the Purpose of defraying Private Expenses, or Expenses in respect of which they have determined a Part only of the District to be liable, it shall be the Duty of the Local Board, as between the Ratepayers of the District, to make good, so far as they can, the Money so borrowed, as Occasion requires, either out of Private Improvement Rates, or out of a Rate levied in such Part of the District as aforesaid.

Rentcharge may be granted for Advances made to meet First Cost of Private Improvements.

XLVIII. Where any Person shall advance Money for any Expenses which by the said Public Health Act, 1848, are, or by the said Local Board shall be, declared to be Private Improvement Expenses, the said Local Board, on being satisfied by the Report of their Surveyor or otherwise that the Money advanced by such Person has been duly expended, may issue a Grant in the Form B. in the Schedule hereunto annexed to such Person of a yearly Rentcharge to be issuable out of the Premises in respect whereof such Advance shall have been made, or out of such Part thereof, to be specified in such Grant, as the said Local Board shall think proper and sufficient, such Rentcharge to be Personal Estate, and to begin to accrue from the Day of Completion of the Works on which such Money shall have been expended as aforesaid, and to be payable by equal half-yearly Payments for and during a Term not exceeding Thirty Years, in such Manner that the whole of the said Sum so to be advanced as aforesaid, with the Costs of preparing the said Grant so to be issued as aforesaid, together with Interest thereon respectively, at a Rate not exceeding Six Pounds per Centum per Annum upon the Sum from Time to Time remaining unpaid, shall be repaid

at

at the End of the said Term: Provided always, that the Grantee of such Rentcharge shall for the Recovery of the same have all the Powers, Authorities, Rights, and Remedies of the said Local Board with respect to Private Improvement Rates, and the Provisions of the Ninety-first and Ninety-second Sections of the Public Health Act, 1848, shall also be applicable to such Rentcharge.

Rentcharges to be registered.

XLIX. All Rentcharges made in pursuance of this Act, and Transfers thereof, shall be registered in the same Manner respectively as Mortgages and Transfers are required to be registered under the One hundred and eleventh and One hundred and twelfth Sections of the Public Health Act, 1848.

Audit of Accounts.

Provisions as to Audit.

L. The One hundred and twenty-second Section of the Public Health Act, 1848, shall be repealed, and, in lieu thereof, be it enacted as follows:

(1.) The Accounts of the Receipts and Expenditure of the Local Board shall be audited and examined once in every Year, as soon as can be after the Twenty-fifth Day of March, by the Auditor of Accounts relating to the Relief of the Poor for the Union in which the District or the greater Part thereof is situate, unless such Auditor is a Member of the Local Board whose Accounts he is appointed to audit, in which Case such Accounts shall be audited by such Auditor of any adjoining Union as may from Time to Time be appointed by the Local Board of Health:

Power of Allowance, Disallowance, and Surcharge.

And any Auditor acting in pursuance of this Section shall disallow every Item of Account unauthorized by Law, and surcharge the same upon the Person making or authorizing the making of the illegal Payment, and shall certify the same to be due from such Person, and upon Application by any Party aggrieved shall state in Writing the Reasons for his Decision in respect of such Disallowance or Surcharge, and also of any Allowance which he may have made; and any Person aggrieved by Disallowance made may apply to the Court of Queen's Bench for a Writ of Certiorari to remove the Disallowance into the said Court, in the same Manner and subject to the same Conditions as are provided in the Case of Disallowances by Auditors under the Laws for the Time being in force with regard to the Relief of the Poor; and the said Court shall have the same Powers with respect to Allowances, Disallowances, and Surcharges under this Act as it has with respect to Disallowances or Allowances by the said Auditors; or in lieu of such Application

Disallowances may be removed by Certiorari into Court of Queen's Bench.

Appeal against Disallowances.

any Person so aggrieved may appeal to One of Her Her Majesty's Principal Secretaries of State, who shall have the same Powers in the Case of the Appeal as are possessed by the Poor Law Board in the Case of Appeals against Allowances, Disallowances, and Surcharges by the said Poor Law Auditors:

(2.) Every Sum certified to be due from any Person by the Auditor under this Act shall be paid by such Person to the Treasurer of the Local Board within Fourteen Days after the same shall have been so certified, unless there be an Appeal against the Decision; and if such Sum shall not be so paid, and there be no such Appeal, the Auditor shall recover the same from the Person against whom the same shall have been certified to be due by the like Process and with the like Powers as in the Case of Sums certified upon the Credit of the Poor Rate Accounts:

Recovery of Disallowances.

Power to Auditor to require Production of Books.

(3.) For the Purpose of any Audit of Account under this Act, every Auditor may, by Summons in Writing, require the Production before him of all Books, Deeds, Contracts, Accounts, Vouchers, and all other Documents and Papers which he may deem necessary, and may require any Person holding or accountable for any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers to appear before him at any such Audit or any Adjournment thereof, and to make and sign a Declaration as to the Correctness of the same; and if any such Person neglects or refuses so to do, or to produce any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers, or to make or sign such Declaration, he shall incur for every Neglect or Refusal a Penalty not exceeding Forty Shillings; and if he falsely or corruptly makes or signs any such Declaration, knowing the same to be untrue in any material Particular, he shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury; and such Auditor shall in respect of each Audit be paid, out of the General District Rates levied under this Act, such reasonable Remuneration, not being less than Two Guineas for every Day in which he is employed in such Audit, as the Local Board from Time to Time appoints, together with his Expenses of travelling to and from the Place of Audit:

Notice of Audit.

(4.) Before each Audit of Accounts under this Act, the Local Board shall give Twenty Days Notice of the Time and Place at which the same will be made, by Advertisement in some One or more of the public Newspapers circulated in the District; and a Copy of the Accounts to be audited shall be

be deposited in the Office of the Local Board, and be open, during Office Hours thereat, to the Inspection of all Persons interested, for Seven Days before the Audit; and all such Persons shall be at liberty to take Copies of or Extracts from the same, without Fee or Reward; and the Production of the Newspaper containing such Notice shall be deemed to be sufficient Proof of the Notice of Audit on any Proceeding whatsoever.

Report of Auditor.

(5.) Within Fourteen Days after the Completion of the Audit, the Auditor shall report upon the Accounts audited and examined, and shall deliver such Report to the Clerk of the Local Board, who shall cause the same to be deposited in the Office of the Local Board, and shall publish an Abstract of such Accounts in some One or more of the Newspapers circulated in the District.

Legal Proceedings.

Notices by Local Boards to be signed by Clerk.

LI. Any Summons, Demand, or Notice, or other such Document under the Public Health Act, 1848, or any supplemental Act or this Act, may be in Writing or Print, or partly in Writing and partly in Print, and if the same require Authentication by the Local Board, the Signature thereof by the Clerk to the Local Board shall be sufficient Authentication.

Expenses due from Owners to be a Charge on Premises.

LII. Where the Local Board have incurred Expenses, for the Repayment whereof the Owner of the Premises for or in respect of which the same are incurred is made liable by the Public Health Act, 1848, or any Act incorporated therewith, or this Act, the same may be recovered from the Person who is Owner of such Premises when the Works are completed for which such Expenses have been incurred, in the Manner provided by the Public Health Act, 1848, and such Expenses shall be a Charge on the Premises in respect of which they were incurred, and shall bear Interest at the Rate of Five Pounds per Centum per Annum till Payment thereof.

Memorials in respect of Private Improvement Charges.

LIII. Memorials under the One hundred and twentieth Section of the Public Health Act, 1848, from and after the First Day of September One thousand eight hundred and fifty-eight, shall be addressed to One of Her Majesty's Principal Secretaries of State, who shall have the same Powers in respect thereof as are vested in the General Board of Health by the said Section.

Penalty on Injury to Works, &c. of Local Board.

LIV. If any Person wilfully injures any Works or Materials belonging to any Local Board, he shall in Cases where no other Penalty is provided by the Public Health Act, 1848, or any Act incor-

incorporated therewith, incur for every such Offence a Penalty not exceeding Five Pounds, to be recovered in a summary Manner.

Penalties to be payable to District Fund Account.

LV. All Penalties incurred in any Corporate Borough and made payable to the Local Board of Health by the Public Health Act, 1848, or any Act incorporated therewith, or this Act, shall be payable to the District Fund Account, any Act to the contrary notwithstanding.

Water Rights.

Repeal of 145th Section of Public Health Act, 1848.

LVI. So much of the Hundred and forty-fifth Section of the Public Health Act, 1848, as provides that nothing in that Act shall be construed to authorize a Local Board of Health to use, injure, or interfere with any Watercourse, Stream, River, Dock, Basin, Wharf, Quay, or Towing-path in which the Owner or Occupier of any Lands, Mills, Mines, or Machinery, or the Proprietors or Undertakers of any Canal or Navigation, shall or may be interested, without Consent in Writing first had and obtained, shall be repealed, but such Repeal shall not affect any Decree or Order of the High Court of Chancery, or of any other Court of Justice, that has been obtained previously to the passing of this Act, in relation to the Matters prohibited by such Section; and in lieu thereof, be it enacted, That no Power given by the Public Health Act, 1848, or any supplemental Act, or this Act, shall be exercised in such Manner as to do the following Things or any of them:

Saving Clause for Proprietors of Canals, &c.

(1.) To interfere with any River, Canal, Dock, Harbour, or Basin, so as to injuriously affect the Navigation thereon, or the Use thereof, or to interfere with any Towing-path so as to interrupt the Traffic thereof, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals are by virtue of any Act of Parliament entitled to navigate on or use such River, Canal, Dock, Harbour, or Basin, or in respect of the Navigation on or Use of which River, Canal, Dock, Harbour, or Basin any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees or Individuals are entitled by virtue of any Act of Parliament to the Receipt of any Tolls or other Dues;

(2.) To interfere with any Watercourse in such Manner as to injuriously affect the Supply of Water to any River, Canal, Dock, Harbour, Reservoir, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals (being authorized by virtue of any Act of Parliament to navigate on or use such River, Canal, Dock, Harbour, Reservoir, or Basin, or to demand

demand any Tolls or Dues in respect of the Navigation on or Use of such River, Canal, Dock, Harbour, Reservoir, or Basin,) would, if this Act had not passed, have been entitled by Law to prevent or be relieved against such Interference ;

(3.) To interfere with any Bridges crossing any River, Canal, Dock, Harbour, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are authorized by virtue of any Act of Parliament to navigate or use such River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation or Use of such River, Canal, Dock, Harbour, or Basin ;

(4.) To execute any Works in, through, or under any Wharves, Quays, Docks, Harbours, or Basins, to the exclusive Use of which any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are entitled by virtue of any Act of Parliament, or for the Use of which they are entitled by virtue of any Act of Parliament to demand any Tolls or Dues,

without the Consent in every Case of such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as are herein-before in that Behalf respectively mentioned, such Consent to be expressed in Writing, in the Case of a Corporation under their Common Seal, and in the Case of a Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals, under the Hand of their Clerk or other duly authorized Officer or Agent.

Works not within preceding Section, and which interfere with Improvement of Rivers, Canals, &c., to be referred to Arbitration.

LVII. In Cases where any Matters or Things proposed to be done by any Local Board, and which are not within the Prohibition aforesaid, interfere with the Improvement of any River, Canal, Dock, Harbour, Basin, or Towing-path which any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the Navigation whereon or Use whereof to demand any Tolls or Dues, or interfere with any Works belonging to such River, Canal, Dock, Harbour, or Basin, or with any Land necessary for the Enjoyment or Improvement thereof, the Local Board shall give to such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as last aforesaid a Notice specifying the Particulars of the Matters and Things so intended to be done; and if the Parties on whom such Notice is served do not consent to the Requisitions thereof, the Matter in difference shall be

referred to Arbitration; and the following Questions shall be decided by such Arbitration; (that is to say,)

(1.) Whether the Matters or Things so proposed to be done by the Local Board will cause any Injury to such River, Canal, Dock, Harbour, Basin, Towing-path, Works, or Land as are herein-before mentioned in this Section, or to the Enjoyment or Improvement of such River, Canal, Dock, Harbour, or Basin as aforesaid:

(2.) Whether any Injury that may be caused by such Matters or Things or any of them is or not of a Nature to admit of being fully compensated by Money.

Effect of Arbitration.

LVIII. The Result of any such Arbitration shall be final, and the Local Board shall do as follows; (that is to say,)

If the Arbitrators are of opinion that no Injury will be caused, the Local Board may forthwith proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, but that such Injury is of a Nature to admit of being fully compensated by Money, they shall proceed to assess such Compensation; and upon Payment of the Amount so assessed, but not before, the Local Board may proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, and that it is not of a Nature to admit of being fully compensated by Money, the Local Board shall not proceed to do any Matter or Thing in respect of which such Opinion may be given.

Saving Clause as to Transfer.

LIX. No Transfer of Powers and Privileges under this Act shall deprive any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on any River or Canal, or to demand for their own Benefit in respect of such Navigation any Tolls or Dues, of such Powers and Privileges as are vested in them by any Act of Parliament in relation to such River or Canal.

Power for Corporation to alter Sewers.

LX. Any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on or use any River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation on such River or Canal or the Use of such Dock, Harbour, or Basin, may, at their own Expense, and on substituting other Sewers, Drains, Culverts, and Pipes equally effectual, take up, divert, or alter the Level of any Sewers, Drains, Culverts, or Pipes constructed

structed by any Local Board, and passing under or interfering with such Rivers, Canals, Docks, Harbours, or Basins, or the Towing-paths of such Rivers, Canals, Docks, Harbours, or Basins, and do all such Matters and Things as may be necessary for carrying into effect such taking up, Diversion, or Alteration.

Preserving Water Rights of Companies or Individuals.

LXI. Nothing in this Act, or any Act incorporated therewith, shall be construed to authorize any Local Board to use, injure, interfere with, or injuriously affect any Reservoir, River, or Stream, or the Feeders of any Reservoir, River, or Stream, or the Supply, Quality, or Fall of Water contained in any Reservoir, River, Stream, or Feeders of any Reservoir, River, or Stream, in Cases where any Company or Individuals would, if this Act had not passed, have been entitled by Law to prevent or be relieved against such using, injuring, interfering with, or injuriously affecting such Reservoir, River, Stream, Feeders, Supply, Quality, or Fall of Water, unless such Board shall have first obtained the Consent in Writing of such Company or Individuals so entitled as aforesaid.

Arbitration Questions under preceding Sections.

LXII. Any Difference of Opinion that may arise between a Local Board and any such Corporation, Company, Commissioners, Conservators, Trustees, or Individuals as aforesaid, whether any Sewers, Drains, Culverts, or Pipes substituted under the Powers of this Act for Sewers, Drains, Culverts, or Pipes constructed or laid down by any Local Board are equally effectual with those for which they are substituted, or whether the Supply, Quality, or Fall of Water in any such Reservoir, River, or Stream as last aforesaid is injuriously affected by the Exercise of Powers under this Act, shall be determined by Arbitration in the Manner herein-before provided; and in the latter Case the Arbitrators shall decide the same Questions as to the alleged Injury; and the Local Board shall proceed in the same Way as is herein-before provided with regard to Arbitrations in Cases of alleged Injury to Rivers, Canals, Docks, Harbours, and Basins.

Purchase of Land.

Regulation as to the Purchase of Land.

LXIII. So much of the Eighty-fourth Section of the Public Health Act, 1848, as relates to the Incorporation of the Lands Clauses Consolidation Act, 1845, shall be repealed, and the following Regulations shall be observed with respect to the Purchase of Land by Local Boards; (that is to say,)

(1.) The Lands Clauses Consolidation Act, 1845, shall be incorporated with this Act, except the Provisions relating to Access to the Special Act:

(2.) The Local Board, before putting in force any of the Powers of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Land otherwise than by Agreement, shall

Publication of Notices.

publish once at the least in each of Three consecutive Weeks in some Newspaper circulated in the District or some Part of the District within which such Local Board has Jurisdiction is situate, an Advertisement describing shortly the Nature of the Undertaking in respect of which the Land is proposed to be taken, naming a Place where a Plan of the proposed Undertaking may be seen at all reasonable Hours, and stating the Quantity of Land that they require; and shall further

Service of Notices.

serve a Notice in manner herein-after mentioned on every Owner or reputed Owner, Lessee or reputed Lessee and Occupier of such Land, defining in each Case the particular Land intended to be taken, and requiring an Answer, stating whether the Person so served assents, dissents, or is neuter in respect of taking such Land; such Notice to be served

by Delivery of the same personally on the Party required to be served, or, if such Party is absent abroad, to his Agent; or

by leaving the same at the usual or last known Place of Abode of such Party as aforesaid; or

by forwarding the same by Post in a registered Letter addressed to the usual or last known Place of Abode of such Party:

Local Board to petition Secretary of State.

(3.) Upon Compliance with the Provisions herein-before contained with respect to Advertisements and Notices, the Local Board may present a Petition under their Seal to One of Her Majesty's Principal Secretaries of State: The Petition shall state the Land intended to be taken, and the Purposes for which it is required, and the Names of the Owners, Lessees, and Occupiers of Land who have assented, dissented, or are neuter in respect of the taking such Land, or who have returned no Answer to the Notice: It shall pray that the Local Board may, with reference to such Land, be allowed to put in force the Powers of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Land otherwise than by Agreement, and such Prayer shall be supported by such Evidence as the Secretary of State requires:

(4.) Upon

(4.) Upon the Receipt of such Petition, and upon due Proof of the proper Advertisements having been published and Notices served, the Secretary of State shall take such Petition into consideration, and may either dismiss the same, or direct an Inquiry in the District in which the Land is situate, or otherwise inquire as to the Propriety of assenting to the Prayer of such Petition; but until such Inquiry has been made in the District, after such Notice as may be directed by the Secretary of State, no Provisional Order shall be made affecting any Land, without the Consent of the Owners, Lessees, and Occupiers thereof: Secretary of State may direct Inquiry:

(5.) After the Completion of the Inquiry as last aforesaid, the Secretary of State may, by Provisional Order, empower the Local Board to put in force with reference to the Land referred to in such Order the Powers of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Land otherwise than by Agreement, or any of them, and either absolutely or with such Conditions and Modifications as he may think fit, and it shall be the Duty of the Local Board to serve a Copy of any Order so made in the Manner and upon the Person in which and upon whom Notices in respect of such Land are hereinbefore required to be served. May make Provisional Order.

(6.) No Provisional Order so made shall be of any Validity unless the same has been confirmed by Act of Parliament, and it shall be lawful for the Secretary of State as soon as conveniently may be to obtain such Confirmation, and the Act confirming such Order shall be deemed to be a Public General Act of Parliament: Provided always, that in case any Petition shall be presented to either House of Parliament against any such Order in the Progress through Parliament of the Bill confirming the same, the Bill, so far as it relates to the Order so petitioned against, may be referred to a Select Committee, and the Petitioner shall be allowed to appear and oppose as in the Case of Private Bills. And obtain Confirmation of Provisional Order by Parliament.

(7.) All Costs, Charges, and Expenses incurred by the said Secretary of State in relation to any such Provisional Order as last aforesaid shall, to such Amount as the Commissioners of Her Majesty's Treasury think proper to direct, become a Charge upon the General District Rates levied in the District to which such Order relates, and be repaid to the said Commissioners of Her Majesty's Treasury by annual Instalments not exceeding Five, together with Interest after the yearly Rate of Five Pounds in the Hundred, to be computed from the Date of any such last-mentioned Costs how to be defrayed.

Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

Provisional Orders and Powers of Secretary of State.

Petition for Incorporation with or Separation from District, or for Repeal, &c. of Local Acts.

LXIV. The One hundred and forty-first Section of the Public Health Act, 1848, shall be repealed, and in lieu thereof be it enacted as follows: Whenever it appears desirable to the Local Board of any District, or to the Majority of the Owners and Ratepayers in any Parish, Township, Hamlet, or Place maintaining its own Roads or its own Poor, adjoining any District, or to the Majority of Owners and Ratepayers in any Part of a District, such Majorities to be ascertained in the Way herein provided for voting with respect to the adoption of this Act,

That any Portion of such Parish, Township, Hamlet, or Place should be incorporated with the District, or that such Part of the District should be separated therefrom,

Or whenever it appears to the Local Board of any District desirable,

That Provision should be made for the future Execution of any Local Acts in force within such District, having relation to the Purposes of this Act, and not conferring Powers or Privileges upon Corporations, Companies, Undertakers, or Individuals, for their own pecuniary Benefit; or that any such Acts, or any Exceptions from rating derived therefrom, or any Provisional Order or Order in Council applying the Public Health Act, 1848, should be wholly or partially repealed or altered,

(1.) They may present a Petition to One of Her Majesty's Principal Secretaries of State, praying for such Incorporation, Separation, Provision, Repeal, and Alteration as aforesaid, or for any of such Things, and such Petition shall be supported by such Evidence as the said Secretary requires:

Power of Secretary of State on Receipt of Petition

(2.) Upon the Receipt of any such Petition Inquiry may be directed in the District in respect of the several Matters mentioned in the Petition, after giving Fourteen Days Notice of the Time, Place, and Subject of the Inquiry:

To issue Order, and obtain Consent of District.

(3.) It shall be lawful for any of Her Majesty's Principal Secretaries of State to issue a Provisional Order in relation to the several Things mentioned in the Petition, and either in accordance with the Prayer thereof, or with such Modifications as may be requisite; and when the Order provides for the Incorporation of a Portion of any such Parish, Township, Hamlet, or Place with the District, or the Separation of any Part from the District, an Inspector shall proceed to the District, for the Purpose of obtaining the Consent to such Order of the Place of which it is proposed that a Portion should be incorporated,

porated, or of the Part to be separated, and also, if such Order provide for any such Incorporation, the Consent of the petitioning District:

Consents how testified.

(4.) The Consent of the petitioning District to such Order shall be testified by a Resolution of the Local Board of such District, and the Consent of any Place or Part by a Resolution passed by a Majority of the Ratepayers resident in any such Place or Part assembled at a Meeting convened for the Purpose; and the Inspector shall, for the Purpose of obtaining such Consents, have Power to convene Meetings of the Local Board of any District, or Meetings of the Ratepayers of any Place or Part, with Fourteen Days Notice of the Time, Place, and Subject of such Meetings, and to do all such Matters and Things as may be expedient for that Purpose:

Provision as to Meetings of Part or Place.

(5.) In the Case of a Meeting of the Ratepayers of any Place or Part, the Ratepayers present shall elect a Chairman; and a Declaration by the Chairman that the Opinion of the Meeting is in favour or against any Resolution, as the Case may be, shall, in the Absence of Proof to the contrary, be sufficient Evidence that the Resolution is passed: The Inspector shall have Power to attend any such Meeting:

Secretary of State to obtain Confirmation of Order.

(6.) Whenever such Consents as aforesaid have been given in the Cases in which they are herein-before required, the said Secretary of State shall, as soon as conveniently may be, take all necessary Steps for the Confirmation of such Order by Act of Parliament; but previously to such Confirmation it shall not be of any Validity whatever, and every Act of Parliament confirming such Order shall be deemed a Public General Act.

Extension of borrowing Powers in certain Cases.

LXV. Where a Local Board, or any Board of Improvement Commissioners exercising the borrowing Powers of the Public Health Act, 1848, has executed Works of Sewerage and Water Supply or proposes to execute such Works, and where the Cost of such Works exceeds One Year's assessable Value of the Premises assessable within the District in respect of which such Money may be borrowed, it shall be lawful for such Board to present a Petition to One of Her Majesty's Principal Secretaries of State praying for Powers to borrow for such Works, on Mortgage of the Rates leviable by them under the Public Health Act, 1848, and this Act, an Amount not exceeding Two Years assessable Value of the Premises assessable within the District in respect of which such Money may be borrowed, such Amount to be repaid within such Period not exceeding Fifty Years as such Board, with the Sanction of One of Her Majesty's Principal Secretaries of State shall in each Case determine; and it shall be lawful for any of Her Majesty's Principal Secretaries of State to direct Inquiry on such Petition, and to issue a Provisional Order thereupon, and to take Steps for the Confirmation of any such Provisional Order by Act of Parliament in the Manner sanctioned in the preceding Section.

Secretary of State to provide for Execution of Act.

LXVI. It shall be lawful for the Secretary of State to report annually to Parliament on the Execution of this Act, to make or direct such Inquiries, and to appoint from Time to Time such Officers, Clerks, and Servants as he may require for the Purposes of this Act, and at his Pleasure to remove any such Officers, Clerks, or Servants; and the Commissioners of Her Majesty's Treasury shall fix the Salaries and Allowances of such Officers, Clerks, and Servants.

Powers for Inquiry directed by Secretary of State.

LXVII. Any Officer directed by One of Her Majesty's Principal Secretaries of State to inquire into any Matter into which such Secretary is empowered to direct Inquiry under this Act shall, for the Purposes of such Inquiry, have all the Powers vested in superintending Inspectors by the One hundred and twenty-first Section of the Public Health Act, 1848.

Orders of Secretary of State to be binding.

LXVIII. All Orders made by One of Her Majesty's Principal Secretaries of State in pursuance of this Act shall be binding and conclusive in respect of the Matters to which they refer.

Oxford and Cambridge.

Exception of Oxford and Cambridge.

LXIX. Notwithstanding anything contained in this Act, the Oxford and Cambridge Commissioners, described in the Thirty-first Section of the Public Health Act, 1848, shall be the Bodies authorized to adopt this Act for the Districts respectively within their Jurisdiction; and in the event of the Adoption of this Act by the said Cambridge Commissioners, the said Commissioners shall be the Local Board for the District of Cambridge; and in the event of such Adoption by the said Oxford Commissioners, the Local Board of the Oxford District shall consist of the Mayor of Oxford and the Vice-Chancellor of the University of Oxford, and of Forty-five Commissioners, Fifteen to be elected by the University of Oxford, Fifteen by the Town Council of Oxford, and Fifteen by the Ratepayers of the Parishes situate within the Jurisdiction of the Oxford Commissioners; and the Election of such Commissioners shall be conducted in the same Way and subject to the same Regulations in and subject to which the Members constituting the Body of Oxford Commissioners are now respectively chosen by such University, Town Council, and Ratepayers; and Differences between either of the Universities of Oxford and Cambridge and the Local Boards of Oxford and Cambridge respectively, within the Meaning of the One hundred and fifth Section of the Public Health Act, 1848, shall be settled by Arbitration in the Manner provided by that Act.

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SCHEDULE.

FORM A.

Voting Paper.

At a Meeting held on the Day of at the of , in the County of , it was agreed that the following Resolution should be proposed to the Owners and Ratepayers:—

"That the Local Government Act, 1858, be adopted in the of ."

	In favour of.	Against.	Number of Votes	
			As Owner.	As Ratepayers.
Do you vote in favour of or against the Adoption of this Resolution?	*J. S.*			

John Smith,
of 19, Fore Street.

N.B.—The Ratepayer will put his Initials under the Heading "in favour" or "against," according as he votes for or against the Resolution. He is also required to subscribe his Name and Address at full Length. If a Voter cannot write, he must make his Mark instead of Initials, but such Mark must be attested by a Witness, and such Witness must write the Initials of the Voter against his Mark. If a Proxy vote, he must add after his Signature the Words, "as Proxy for," with the Name of Corporation or Company for which he is Proxy. This Paper will be collected on the of , between the Hours of and .

Take Notice.—"If any Person wilfully commits any of the Acts following, that is to say, fabricates in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of the Public Health Act, 1848, or this Act, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Three Months, with or without Hard Labour." (*Local Government Act*, 1858.)

(Signed by the Summoning Officer.)

FORM B.

By virtue of the Public Health Act, 1848, the Local Board of Health for the District of do hereby declare and absolutely order that the Inheritance of the [Dwelling House, Shop, Lands, and Premises, *as the Case may be*], situate in Street, in the Parish of within the said District, and now in the Occupation of shall be absolutely charged with the Sum of Pounds, paid by of for the Improvement by Drainage and Water Supply [*as the Case may be*] of the same Dwelling House, Shop, Lands, and Premises [*as the Case may be*], together with Interest for the same from the Date hereof at Pounds per Centum per Annum, until full Payment thereof; and also all Costs incurred by the said his Executors, Administrators, or Assigns, under this Security, shall be fully paid and satisfied: And we hereby further that declare the said Principal and Interest Monies shall be paid and payable by the Owner or Occupier of the said Premises to the said his Executors, Administrators, and Assigns, in manner following; (that is to say,) the Interest on such Principal Sum of Pounds, or on so much thereof as shall from Time to Time remain due and payable under this Order, shall be paid and payable by equal half-yearly Payments whilst payable on the Day of and the Day of in every Year, the First Payment thereof to be made on the Day of next, and such Principal Sum of Pounds shall be paid and payable by equal annual Instalments on the Day of in each of the next succeeding Years, towards the Discharge of the same Principal Sum, until the whole shall be fully satisfied and discharged.

Local Government.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Public Health Act, 1848, and to make further Provision for the Local Government of Towns and Populous Districts.

(Prepared and brought in by Mr. C. B. Adderley and Mr. Secretary Walpole.)

Ordered, by The House of Commons, *to be Printed,* 4 *June* 1858.

[Bill 106.]

Under 6 *oz.*

Local Government Bill.

[AS AMENDED IN COMMITTEE AND ON RECOMMITMENT.]

ARRANGEMENT OF CLAUSES.

1. Short Title of Act.
2. Interpretation of Terms.
3. Limits of Act.
4. Incorporation of this Act and the Public Health Act.
5. Act to take effect from Sept. 1858 in Places under the Public Health Act, but not to affect Qualification of Members in such Places. Powers of Local Boards under Local Acts not to be affected.
6. Local Boards under this Act to have Powers of Local Boards of Health under the Public Health Act.
7. Construction of incorporated Acts.
8. Provision in relation to Exercise of Powers under Public Health Act requiring Sanction of General Board of Health.

As to Adoption of Act, and Constitution of Local Boards.

9. Act to be adopted by Resolution of Council, Improvement Commissioners, or Owners and Ratepayers. As to Resolution of Council or Improvement Commissioners.
10. Summoning of Meeting. Notice of Meeting. Meeting to choose Chairman. Rules as to passing of Resolutions of Owners and Ratepayers. Penalty for forging, &c. of Voting Papers.
11. Provision as to less Place included within the Limits of a greater.

Adoption of Act by Place not having a known or defined Boundary.

12. Provision as to settling Boundaries on Petition. Rules as to Petitions for Settlement of Boundaries. Place may adopt Act when Boundary settled.

Appeal against Adoption of Act.

13. Appeal against Resolution adopting Act. Petition to Secretary of State. Power of Secretary of State on Receipt of Petition. Notice of Inquiry. Order to be made.
14. Appeal in case of alleged Invalidity of Vote for Adoption of this Act.

General Provisions in relation to Adoption.

15. Notice as to Adoption of Act.
16. Act when to take effect.
17. Objections as to Adoption.
18. Proof of Adoption.
19. Costs of Adoption.

Constitution of Local Boards.

20. Local Boards of Health, how constituted. District may be divided into Wards.
21. Disqualification of Members of Local Boards.
22. Powers of Local Board to vest in Town Council in certain Cases.
23. Adjoining Districts may unite.
24. Power of Local Board to execute Works in adjoining Places.

As to Powers of Local Boards.

Powers as to Sewerage.

25. Local Board may make Deduction from Sewer Rate in respect of Premises already sewered.
26. Powers for disposing of Sewage, &c.
27. Provision for obtaining Order for cleansing foul and offensive Watercourses, or open Ditches lying near to or forming the Boundaries of Districts.

Powers as to Scavenging and Cleansing.

28. Local Boards may cleanse or contract for cleansing. Local Board may make Byelaws as to Nuisances. Amendment of Sect. 59 of 11 & 12 Vict., c. 63. as to Removal of Accumulations.
29. Amendment of Sect. 54 of 11 & 12 Vict. c. 63.

Powers for Regulation of Buildings.

30. New Streets and Houses.

Highway Repairs.

31. Local Board may purchase Premises for Purpose of making new Streets.
32. Cost of Highway Repairs to be defrayed out of General Rate in certain Cases. Power to levy Highway Rates in certain Cases. Certain Acts not required in case of Highway Rate made by Local Board. Application of Surplus under 11 & 12 Vict. c. 63. s. 117.

Powers as to Streets and Roads.

33. Local Boards may provide for sewering, &c. of Streets not being Highways. Ministers of Religion not to be deemed Owners for the Purposes of this Section.
34. Power of Local Boards to agree for the making of new public Roads.
35. Power of Local Boards, by consent, to construct public Bridges, &c., or adopt as public and improve existing Bridges, &c., over or under Canals, Railways, or Tramroads.
36. Powers of Local Boards to make Agreements with Turnpike Trustees.
37. Objections under Section 70. of the Public Health Act, 1848, to be made by a Majority of the Proprietors, if more than One.
38. Saving Clause as to certain Turnpike Roads.

Incorporated

Incorporated Powers.

39. Incorporation of Provisions of Towns Police Clauses Act, 1847.
40. Incorporation of Provisions of the Towns Improvement Clauses Act, 1847.
41. Watching and Lighting Act to be superseded by this Act.
42. Where Vestries adopt Baths and Wash-houses Act, Local Board to be Commissioners for Purposes of that Act.
43. Repealing Sections 61 and 62 of 11 & 12 Vict. c. 63.
44. Making Local Board Burial Board in certain Cases.
45. Power of Local Board to establish Markets and Fairs. Incorporation of Provisions of the Markets and Fairs Clauses Act, 1847, for those Purposes.

Water Supply.

46. Extending 76th Section of Public Health Act, and providing for compulsory Water Supply in certain Cases.
47. Local Board supplying Water to have Power to carry Mains.
48. Power to Directors of Waterworks or Market Company to sell to Local Boards.

Expenses and Rates.

49. Repealing the Power of levying Special District Rate, and providing for existing Debts.
50. Assessment of General District Rates, and Composition for Rates or Small Tenements.
51. Poor Rate Books to be accessible for Rating under the Act for Revaluation.
52. Repealing 107th, 113th, and 119th Sections of the Public Health Act, 1848, and Power for Mortgage of Rates in lieu of repealed Provisions.
53. Rentcharges to meet First Cost of Private Improvements.
54. Rentcharges to be registered.

Audit of Accounts.

55. Provisions as to Audit. Power of Allowance, Disallowance, and Surcharge. Disallowances may be removed by Certiorari into Court of Queen's Bench. Appeal against Disallowances. Recovery of Disallowances. Power to Auditor to require Production of Books. Notice of Audit. Report of Auditor.

Legal Proceedings.

56. Notices by Local Boards to be signed by Clerk.
57. Expenses due from Owners to be a Charge on Premises.
58. Apportionment of Expenses payable by Owners to be conclusive after Three Months from Notice to them of the Amount.
59. Arbitration to be confined to Cases involving more than Twenty Pounds.
60. Memorials in respect of Private Improvement Charges.
61. Penalty on Injury to Works, &c. of Local Board.
62. Penalties to be payable to District Fund Account.

Saving Clauses.

63. Repeal of 145th Section of Public Health Act, 1848. Saving Clause for Proprietors of Canals, &c.
64. Works not within preceding Section, and which interfere with Improvement of Rivers, Canals, &c., to be referred to Arbitration.
65. Effect of Arbitration.
66. Saving Clause as to Transfer.
67. Power for Corporation to alter Sewers.
68. Preserving Water Rights of Companies or Individuals.
69. Arbitration Questions under preceding Sections.

Purchase of Land.

70. Regulations as to the Purchase of Land. Publication of Notices. Service of Notices. Local Board to petition Secretary of State. Secretary of State may direct Inquiry, may make Provisional Order, and obtain Confirmation of Provisional Order by Parliament. Costs how to be defrayed.

Local Board to report.

71. Local Board to report.

Provisional Orders and Powers of Secretary of State.

72. Petition for Incorporation with or Separation from District, or for Repeal, &c. of Local Acts. Power of Secretary of State on Receipt of Petition to issue Order, and obtain Consent of District. Consents, how testified. Provisions as to Meetings of Part or Place. Secretary of State to obtain Confirmation of Order.
73. Extension of borrowing Powers in certain Cases.
74. Secretary of State to provide for Execution of Act.
75. Powers for Inquiry directed by Secretary of State.
76. Orders of Secretary of State to be binding.

Oxford and Cambridge.

77. Exception of Oxford and Cambridge. Adoption of Act by Oxford. Adoption of Act by Cambridge. Local Board of Oxford District. Local Board of Cambridge District.

SCHEDULE.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RECOMMITMENT]

TO

Amend the Public Health Act, 1848, and to make further Provision for the Local Government of Towns and populous Districts.

WHEREAS it is expedient to amend the Public Health Act, 1848, and to make further Provisions for the Local Government of Towns and populous Districts in England: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say, Preamble.

I. This Act may be cited for all Purposes as "The Local Government Act, 1858." Short Title of Act.

II. The Word "Borough," or "Corporate Borough," when used in this Act, or in any Act conferring Powers of a public Nature on the Corporate Bodies of Boroughs by their Council, shall include all Cities, Ports, Cinque Ports, or Corporate Towns mentioned in the Schedules to the Act passed in the Sixth Year of the Reign of King William the Fourth, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," and all Boroughs incorporated by Charter granted or to be granted in pursuance of that or any subsequent Act. Interpretation of Terms.

III. This Act shall not extend to Scotland or Ireland, and it shall not be adopted by any Place within the Limits of the Metropolis as Limits of Act.

defined for the Purposes of the Act of the Session holden in the Eighteenth and Nineteenth Years of Her present Majesty, intituled "An Act for the better Local Management of the Metropolis."

Incorporation of this Act and the Public Health Act.

IV. This Act shall be construed together with, and be deemed to form Part of, the Public Health Act, 1848: Words used in this Act shall be interpreted in the Sense assigned to them in the said Public Health Act: Byelaws framed under this Act shall be subject to Confirmation, enforced, and dealt with in all other respects as Byelaws under the said Public Health Act; and the Provisions of each of the said Acts shall, so far as may be consistent with the Provisions of this Act, respectively be applicable to all Matters and Things arising under the other Act.

Act to take effect from Sept. 1858 in Places under the Public Health Act, but not to affect Qualification of Members in such Places.

Powers of Local Boards under Local Acts not to be affected.

V. This Act shall take effect from the First Day of September One thousand eight hundred and fifty-eight in Places where the Public Health Act, 1848, is already in force, wholly or partially: Provided always, that nothing in this Act shall affect the Qualification and Number of the Members of Local Boards of Health in such Places, or any Power, Right, Privilege, or Liability of any Board of Improvement Commissioners exercising Powers of the Public Health Act, 1848, or of any Town Council or Local Board of Health, under or by virtue of any General or Local Act of Parliament other than the said Public Health Act.

Local Boards under this Act to have Powers of Local Boards of Health under the Public Health Act.

VI. Local Boards under this Act shall, subject to this Act, have all the Powers, Rights, Duties, and Liabilities of Local Boards of Health constituted under the Public Health Act, 1848, and the Acts incorporated therewith.

Construction of incorporated Acts.

VII. In the Construction, for the Purposes of this Act, of the Acts herein-after incorporated, the Expression "the Special Act" shall mean the Public Health Act, 1848, as brought into operation within the District, and this Act; the "Limits of the Special Act" shall mean the "Limits of the District;" "the passing of the Special Act" shall mean the Date of the coming in force of this Act, or, in the Case of Districts under the Public Health Act, 1848, the First Day of September One thousand eight hundred and fifty-eight; and the Local Board shall, according to the Tenor of the incorporated Act, be deemed to be the Promoters of the Undertaking, "Town Commissioners," Commissioners, or "Undertakers;" and all Penalties incurred under the incorporated Acts shall be recovered in the same way as Penalties incurred under the Public Health Act, 1848, and be applied in aid of the Purposes of that Act and this Act.

Provision in relation to Exercise of

VIII. Whenever the Sanction, Consent, Direction, or Approval of the General Board of Health is required by Law to the Exercise of the

the Powers of Local Boards of Health or Boards of Improvement Commissioners, such Powers may, from the First Day of September One thousand eight hundred and fifty-eight, be exercised without such Sanction, Consent, Direction, or Approval, or any Sanction, Consent, Direction, or Approval in lieu thereof, except in so far as is provided by this Act.

Powers under Public Health Act requiring Sanction of General Board of Health.

As to Adoption of Act and Constitution of Local Boards.

IX. This Act may be adopted,

(1.) In Corporate Boroughs to which the Public Health Act, 1848, has not been applied, by a Resolution of the Council assembled at a Meeting held for the Purpose:

(2.) In Places under the Jurisdiction of a Board of Improvement Commissioners, where all or Part of the Commissioners are elected by Ratepayers, or by Owners and Ratepayers, by a Resolution of such Improvement Commissioners assembled at a Meeting held for the Purpose:

(3.) In all other Places having a known or defined Boundary, by a Resolution of the Owners and Ratepayers:

Act to be adopted by Resolution of Council, Improvement Commissioners, or Owners and Ratepayers.

But no such Resolution passed by any Council or Board of Improvement Commissioners shall be valid unless a Month's previous Notice of the Meeting, and of the Purpose thereof, has been given in manner in which Notices of Meetings of such Council or Board of Commissioners are usually given, nor unless Two Thirds of the Members present at the Meeting concur in the Resolution for such Adoption; and it shall be lawful for the Chairman of any such Meeting, with the Consent of a Majority of the Members present, to adjourn the same from Day to Day.

As to Resolution of Council or Improvement Commissioners.

X. (1.) Meetings for the Purpose of the preceding Section shall be summoned on the Requisition in Writing of any Twenty Ratepayers or Owners;

In Corporate Boroughs, by the Mayor;

In Places under the Jurisdiction of such Improvement Commissioners as aforesaid, by the Chairman of the said Commissioners;

In Places having known and defined Boundaries, not being Corporate Boroughs, or Towns under the Jurisdiction of such Improvement Commissioners as are herein-before mentioned, by the Churchwardens or One of them, or if there are no Churchwardens the Overseers or One of them, or if there is none of the Officers respectively above enumerated, or if such Officer in any Case neglects, is unable, or refuses to perform the Duties hereby imposed on him, by any Person appointed by One of Her Majesty's Principal Secretaries of State.

Summoning of Meeting.

Notice of Meeting.

(2.) In such Places as last aforesaid the Summoning Officer shall upon such Requisition fix a Time and Place for holding such Meeting, and shall forthwith give Notice thereof

By Advertisement in some One or more of the Newspapers circulated in the Place;

By causing such Notice to be affixed to the principal Doors of every Church and Chapel in the Place to which Notices are usually affixed;

Meeting to choose Chairman.

(3.) The Meeting, on its assembling together, shall choose One of its Number as Chairman, who may, with the Consent of a Majority of the Persons present, adjourn the same from Day to Day;

Rules as to passing of Resolutions of Owners and Ratepayers.

(4.) The Chairman shall propose to the Meeting the Resolution for the Adoption of the Act, and the Meeting shall decide for or against such Adoption: Provided, that if any Owner or Ratepayer shall demand that such Question be decided by a Poll of the Owners and Ratepayers, such Poll shall be taken by Voting Papers in the Form A. given in the Schedule to this Act, in the same Way and with the same Conditions as to Notice of Voting, Delivery, filling up, Collection, Examination, Declaration of the Result, Custody of Voting Papers, Penalty for Neglect or Refusal to comply with the Provisions of the Act, Scale of Votes, and in all other respects whatsoever as is provided in the Public Health Act, 1848, in respect of the Election of Local Boards of Health; and if no Poll is demanded, or if the Demand for a Poll is withdrawn by the Parties making the same, a Declaration by the Chairman shall, in the Absence of Proof to the contrary, be sufficient Evidence of the Decision of such Meeting;

Penalty for forging, &c. of Voting Papers.

(5.) If any Person fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of the Public Health Act, 1848, or this Act, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Three Months, with or without Hard Labour.

Provision as to less Place included within the Limits of a greater.

XI. In Cases where any Place hereby authorized to adopt this Act includes within its Limits any less Place which, if it were not so included, would of itself be authorized to adopt this Act, such less Place shall not be entitled to adopt this Act unless the greater Place within the Limits of which it is included has refused to adopt the same, or unless it has been determined by One of Her Majesty's Principal Secretaries of State, in manner herein-after mentioned, that such

such less Place ought, as respects the Adoption of this Act, to be excluded from the Limits of such greater Place.

Adoption of Act by Place not having a known or defined Boundary.

Provision as to settling Boundaries on Petition.

XII. (1.) Any Place not having a known or defined Boundary may petition One of Her Majesty's Principal Secretaries of State to settle its Boundary for the Purposes of this Act:

Rules as to Petitions for Settlement of Boundaries.

(2.) The Petition shall state the proposed Boundaries of the Place, shall be signed by One Tenth of the Ratepayers resident within such Boundaries, and shall be supported by such Evidence as the said Secretary of State may require:

(3.) Upon the Receipt of such Petition the Secretary of State may direct Inquiry to be made as to the Genuineness of the Petition, and as to the Propriety of the proposed Boundaries; and

(4.) Fourteen Days Notice of the Time, Place, and Subject of such Inquiry shall be given in the Place to which it refers:

(5.) The said Secretary of State may, upon Consideration of the Matter, either dismiss the Petition altogether, or make Order as to the Boundaries of the Place: He may also make Order as to the Costs of the Proceedings under this Section and the Parties by whom such Costs are to be borne:

Place may adopt Act when Boundary settled.

(6.) Any Place the Boundaries of which have been settled in pursuance of the foregoing Provisions shall thenceforth, for the Purposes of this Act, be deemed to be a Place with a known and defined Boundary, and may adopt this Act accordingly; and for the Purpose of enabling it so to do a Summoning Officer shall be appointed by the Order settling the Boundaries, whose Duty it shall be forthwith to take all such Steps as may be necessary for convening a Meeting of the Ratepayers to decide as to the Adoption of this Act; and if such Officer dies, becomes incapable, neglects or refuses to perform his Duties, the said Secretary of State may, on the Application of any Four Ratepayers, appoint another Officer in his Room.

Appeal against Adoption of Act.

Appeal against Resolution adopting Act.

XIII. (1.) In Cases where a Resolution adopting this Act has been passed in any Place, if any Number, being not less than One Twentieth of the Owners and Ratepayers of such Place, are desirous that the whole or any Part of such Place should be excluded from the Operation of this Act, they may present a Petition to One of Her Majesty's Principal Secretaries of State, appealing against such Resolution, and praying that such Exclusion may be made.

 (2.) Such

Petition to Secretary of State

(2.) Such Petition shall be presented within Fourteen Days from the Date of the passing of the Resolution appealed against, and shall where the Exclusion of Part of a Place only is prayed for state,

(1.) The Part of the Place proposed to be excluded, accompanied with an explanatory Plan; and

(2.) The Reasons for such Exclusion:

It shall be subscribed by the Owners and Ratepayers presenting the same:

Power of Secretary of State on Receipt of Petition.

(3.) Upon the Receipt of any such Petition as aforesaid, the said Secretary of State may direct Inquiry in the proposed District,

As to the Genuineness of the Petition; and

As to the Matters alleged in such Petition.

Notice of Inquiry.

(4.) Fourteen Days Notice of the Time, Place, and Subject of such Inquiry shall be given:

Order to be made.

(5.) The said Secretary of State shall make Order with respect to the Matter in question on such Appeal, and such Order shall be binding on the Place in respect of which it is made, and there shall be stated in such Order the Time at which this Act is to come into force.

Appeal in case of alleged Invalidity of Vote for Adoption of this Act.

XIV. It shall be lawful for any Owner or Ratepayer who disputes the Validity of the Vote for the Adoption of this Act to appeal within Fourteen Days from the Declaration of the Vote to One of Her Majesty's Principal Secretaries of State, setting forth the Grounds on which he disputes the Validity of such Vote, and it shall be lawful for any of Her Majesty's Principal Secretaries of State, on such Appeal, to direct Inquiry by any Officer employed by him in the Execution of this Act into the Circumstances of the Case, and to issue such Order thereon as he may deem requisite to determine the Questions arising on such Appeal, and as to the Validity or Invalidity of such Vote.

General Provisions in relation to Adoption.

Notice as to Adoption of Act.

XV. Whenever a Resolution adopting this Act has been passed in any Place, Notice thereof shall be given to One of Her Majesty's Principal Secretaries of State by the following Persons; that is to say,

In Corporate Boroughs, by the Mayor:

In Places under the Jurisdiction of such Improvement Commissioners as aforesaid, by the Chairman of the Board of Commissioners:

In other Places, by the Summoning Officer:

The Notice so sent shall be in Writing under the Hand of the Officer hereby required to give the same; and it shall be the Duty of

of such last-mentioned Officer to publish a Copy of such Notice in manner following; that is to say,

By Advertisement for Three successive Weeks in some One or more of the Newspapers circulated in the Place:

By causing a Copy of such Notice to be affixed to the principal Doors of every Church and Chapel in such Place to which Notices are usually affixed:

And when such Notice has been so given, and the Time for such Appeal has expired, or such Appeal has been dismissed, a Notice shall be published in the London Gazette, by One of Her Majesty's Principal Secretaries of State, that this Act has been adopted within such Place.

Act when to take effect.

XVI. Whenever any Resolution adopting this Act has been passed in any Place this Act shall, at the Expiration of Two Months from the Date of the passing of such Resolution, or in the event of an Appeal, or of a Division of the District into Wards as herein-after provided, then at such Time as may be mentioned in the Order made on such Appeal, or in the Order setting out Wards, have the Force of Law within such Place; and the Expiration of such Period of Two Months, or such Date as may be mentioned in the said Order as the Time for this Act to come into force, shall be called the Date of the Constitution of the District; provided that the Provisions of this Act relating to Purposes already included in any Local Act in force within the District with relation to any of the Purposes of the Public Health Act, 1848, or this Act, and not conferring Powers or Privileges upon Corporations, Companies, Undertakers, or Individuals, for their own pecuniary Benefit, notwithstanding the Adoption of the Act, as herein-before provided, shall not come into operation until an Order has been made and confirmed, as herein-after prescribed, for the future Execution, Repeal, or Alteration of the said Local Act.

Objections as to Adoption.

XVII. No Objection shall be made at any Trial or in any legal Proceeding to the Validity of the Adoption of this Act, or to any Order made in pursuance of this Act, or to any Proceedings upon which such Order was founded, unless the Objector has given Fourteen Days previous Notice to the other Parties interested in such Trial or Proceeding of his Intention to make the same, specifying fully the Nature of the Objection to be made; and no Objection whatever in respect of the Matters mentioned in this Section shall be admissible at any Trial or in any legal Proceeding after the Expiration of Six Calendar Months from the Date of the Constitution of the District.

Proof of Adoption.

XVIII. Publication of a Notice by a Secretary of State once in the London Gazette, and by the Mayor, Chairman of the Board of Improvement Commissioners, or Summoning Officer, respectively, for Three successive Weeks in any Newspaper published and circulated in the Town or District that this Act has been adopted in any Place, shall be conclusive Evidence of such Adoption.

Costs of Adoption.

XIX. In Cases where this Act has been adopted by any Place, all Costs, Charges, and Expenses incurred by any of Her Majesty's Principal Secretaries of State, in relation to any such Adoption, or to any Proceedings connected therewith, or which such Secretary is required to take under this Act, and not hereby otherwise provided for, shall, to such Amount as the Treasury, by Order, think proper to direct, become a Charge upon the General District Rates levied in such District under the Authority of this Act, and be repaid to the Treasury by annual Instalments not exceeding Five, together with Interest after the yearly Rate of Five Pounds in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

Constitution of Local Boards.

Local Boards how constituted.

XX. The Duty of carrying into execution this Act shall be vested in a Local Board; and such Local Board shall be,

(1.) In Corporate Boroughs, the Mayor, Aldermen, and Burgesses acting by the Council:

(2.) In Places under the Jurisdiction of such a Board of Improvement Commissioners as herein-before mentioned, the Board of Commissioners:

(3.) In other Places, such Number of elective Members as may be determined by a Resolution of the Owners and Ratepayers, passed in manner in which Resolutions for the Adoption of this Act are herein-before directed to be passed, at any Meeting held for the Purpose of adopting this Act, or at any Meeting to be summoned by the Summoning Officer for the Purpose of this Section; but no Person shall be qualified to be a Member of such Local Board unless he is at the Time of his Election, and so long as he shall continue in Office by virtue of such Election, resident within the District for which or for Part of which he is elected, or within Seven Miles thereof, and is seised or possessed of Real or Personal Estate, or both, to the Value of not less than Five hundred Pounds in Districts containing less than Twenty thousand Inhabitants, or to the Value of not less than One thousand Pounds in Districts containing Twenty thousand or more Inhabitants, or rated to the Relief of the Poor of such District

District, or of some Parish within the same, upon an annual Value of not less than Fifteen Pounds in Districts containing less than Twenty thousand Inhabitants, or on an annual Value of not less than Thirty Pounds in Districts containing Twenty thousand or more Inhabitants; provided that if Two or more Persons be jointly seised or possessed of Real or Personal Estate, or both, of such Value or Amount as would, if equally divided between them, qualify each to be elected, or if Two or more Persons be jointly rated in respect of any Property which, if equally divided between them, would qualify each to be so elected, each of the Persons so jointly seised, possessed, or rated may be elected, but the Property shall not at the same Time qualify the Owner and the Occupier thereof:

District may be divided into Wards.

(4.) Local Boards of Health in Districts where the Public Health Act, 1848, is applied may, with the Sanction of One of Her Majesty's Principal Secretaries of State, divide their District into separate Wards, and declare what Proportion of the Members of the Local Board is to be elected by each Ward; in Districts where this Act is adopted, the Owners and Ratepayers may by Resolution direct a Petition to One of Her Majesty's Principal Secretaries of State to divide the District into Wards, for the Purpose of Election of the Local Board, and to declare what Proportion of the Members of the Local Board shall be elected by each Ward, and the said Secretary of State may by his Order make such Division and Declaration after such Inquiry as he shall deem necessary, and Fourteen Days Notice shall be given of the Time, Place, and Object of such Inquiry; and if any Member be elected in more than One Ward, he shall within Three Days Notice thereof choose, or, in default of his choosing, the Local Board at their next Meeting shall decide for which One of the Wards the Member shall serve, and he shall thereupon be held to be elected in that Ward only, and a Vacancy shall be held to exist on account of the other Ward or Wards. no Person entitled to vote shall give in the whole of the Wards a greater Number of Votes than he would have been entitled to give if the District had not been divided into Wards, nor in any One Ward a greater Number of Votes than he is entitled to in respect of Property in that Ward; but subject to these Limitations, any Rate-payer or Owner may, by Notice in Writing delivered to the Clerk of the Local Board, or in case of the First Election to the Person appointed to conduct that Election, elect in what Ward or Wards he will vote for the ensuing Year, and

determine the Proportion of Votes which he will give in any One or more of such Wards, and if he do not give such Notice he shall not be entitled to vote for any Ward in which he does not reside.

Election of Local Boards.

(5.) The Election of Local Boards shall be conducted in the Manner directed by the Public Health Act, 1848, for the Election of Local Boards of Health; and the Summoning Officer shall conduct the First Election; and the Members of the Local Board shall take such Declaration, continue in Office for the same Time, and be liable to such Disqualifications and Penalties, as the Members of Local Boards of Health under the said Public Health Act as altered by this Act:

(6.) If any Person nominated, or any Person on his Behalf, give at least One clear Day's Notice in Writing to the Returning Officer, before the Delivery or Collection of the Voting Papers, of an Intention to send some Agent to accompany the Deliverer or Collector of the Papers, the Returning Officer shall make his Arrangements so as to enable the Person appointed by him to be so accompanied; provided that no such Agent shall interfere in any respect in the Delivery or Collection of the Voting Papers:

Casual Vacancies.

(7.) Any casual Vacancy occurring by Death, Resignation, Disqualification, or otherwise in the Local Board may be filled up within One Month by the Local Board out of qualified Persons, but the Member so chosen shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occurred:

First Meeting of Local Board.

(8.) In the Case of Districts not consisting of Boroughs or Towns under the Jurisdiction of such Improvement Commissioners as aforesaid, the First Meeting shall be held on such Day, not more than Ten Days after the Election of the Local Board, and at such Place, as the Returning Officer may, by Notice sent by Post or delivered to each Member of such Board, appoint.

Disqualification of Members of Local Boards.

XXI. Notwithstanding anything contained in the Public Health Act, 1848,

(1.) No Member of a Local Board shall vacate his Office by reason of his being interested in any Sale or Lease of any Lands, or any Loan of Money to the Local Board:

(2.) Nor by absenting himself from Meetings of the Board, if he be not absent from the District for more than Six Months, at One and the same Time, unless in case of Illness:

(3.) It shall be lawful for One of Her Majesty's Principal Secretaries of State to dispense in any Case with the Prohibition contained

contained in the Nineteenth Section of the Public Health Act, 1848, by which no Member of a Local Board, being a Shareholder in any Company or Concern established for the Supply of Water, or for the carrying on of any other Works of a like public Nature, is entitled to vote upon any Question in which such Company or Concern is interested.

Powers of Local Board to vest in Town Council when a District becomes a Corporate Borough.

XXII. So much of the Thirty-third Section of the Public Health Act, 1848, as requires that a Day shall be specified in any Charter of Incorporation by which the District of a Local Board becomes a Corporate Borough, from and after which the Powers, Authorities, Duties, Property, and Liabilities of the Local Board shall be vested in the Mayor, Aldermen, and Burgesses of the Borough by their Council, shall be repealed; and all Transfers of Powers, Authorities, Duties, Property, and Liabilities which have been or shall hereafter be made by any Local Board of Health to the Mayor, Aldermen, and Burgesses of any Corporate Borough by their Council, the District of such Board and such Corporate Borough being identical, shall be valid and effectual to all Intents and Purposes, though no Day for such Transfer shall have been named in the Charter incorporating such Borough.

Adjoining Districts may unite.

XXIII. Adjoining Districts may unite together upon such Terms and subject to such Conditions as the respective Local Boards of such Districts may, with the Sanction of One of Her Majesty's Principal Secretaries of State, determine.

Power of Local Board to execute Works in adjoining Places.

XXIV. Every Local Board may, with the Consent of the Local Board of any adjoining District, or with the Consent of any adjoining Place maintaining its own Poor, do and execute in such adjoining District or Place all or any of such Works and Things as the Local Board may do and execute within their own District, and upon such Terms as to Payment or otherwise as may be agreed upon between such Local Board and the Local Board of the adjoining District, or the Local Authority under the Nuisance Removal Act, 1855, in and for such adjoining Place; and any Sums agreed to be paid by the Local Board of the adjoining District, in pursuance of this Section, shall be payable out of the Rates leviable under the Public Health Act, 1848, and this Act; and any Sums agreed to be paid by such Local Authority shall be payable out of the same Rates as the Expenses of executing the said Nuisance Removal Act; and the Consent of any such Place to any Work or Thing proposed to be done under this Section shall be signified in the same Manner in which the Consent of a Place to the Adoption of this Act is hereinbefore required to be signified; and where the Expenses of any such

Work or Thing would, if the same had been executed in a District under the Powers of this Act, have been recoverable from Owners or Occupiers, such Expenses shall be recoverable by the Local Board or Local Authority of the District or Place respectively from such Owners or Occupiers.

As to Powers of Local Boards.

Powers of Local Board as to Sewerage.

Power of Deduction from Rate in respect of Premises sufficiently drained.

XXV. If it appear to a Local Board, that any Premises were sufficiently drained before the Construction of any new Sewer they may lay down, it shall be lawful to deduct from the Amount of Rates otherwise chargeable in respect of such Premises such a Sum and for such Time as the Local Board may under all the Circumstances of the Case deem to be just.

Powers for disposing of Sewage.

XXVI. Local Boards may,

(1.) Exercise the Powers given by the Forty-sixth Section of the Public Health Act, 1848, also without their District, if necessary for the Purpose of Outfall and Distribution of Sewage, upon making due Compensation, to be settled in the Manner provided in the One hundred and forty-fourth Section of the Public Health Act, 1848:

(2.) Contract with any Company or Person for the Sale of Sewage, or for the Distribution of it over any Land:

(3.) Contract for, purchase, or take on Lease any Lands, Buildings, Engines, Materials, or Apparatus for the Purpose of receiving, storing, disinfecting, or distributing Sewage:

Provided always, that these Things shall be done so as not to create a Nuisance.

Provision for obtaining Order for cleansing foul and offensive Water-courses or open Ditches, lying near to or forming the Boundaries of Districts.

XXVII. In case any Watercourse or open Ditch lying near to or forming the Boundary between the District of any Local Board and any adjoining Parish or Place shall be foul and offensive, so as injuriously to affect the District of such Local Board, any Justice of the Peace for the County or City in which such adjoining Parish or Place may be situate may, on the Application of such Local Board, summon the Overseers of the Poor of such adjoining Parish or Place to appear before the Justices of the same County or City, to show Cause why an Order should not be made by the said Justices for cleansing such Watercourse or open Ditch, and for executing such permanent or other structural Works as may appear to such Justices to be necessary; and such Justices, after hearing the Parties, or ex parte in case of the Default of any of them to appear, may make such Order with Reference to the Execution of the Works, and the Persons

Persons by whom the same shall be executed, and by whom and in what Proportions the Costs of such Works shall be paid, and also as to the Amount thereof, and the Time and Mode of Payment, as to such Justices shall seem reasonable; and any Sums ordered to be paid by any Justices in pursuance of this Section shall be a Charge upon and be payable out of the Poor Rates of such adjoining Parish or Place, as if the same were legally ncurred in the Relief of the Poor of such Parish or Place, and in default of Payment may be levied upon the Goods and Chattels of such Overseers by Distress and Sale thereof.

Powers as to Scavenging and Cleansing.

Local Boards may cleanse or contract for cleansing.

XXVIII. The Fifty-fifth and Fifty-sixth Sections of the Public Health Act, 1848, shall be repealed, excepting so much of the Fifty-sixth Section as relates to the providing Conveniences for the temporary Deposit of Dust, Ashes, and Rubbish, and also fit Buildings and Places for the Deposit of Sewerage and other Matters collected by the Local Board; and in lieu thereof be it enacted,

(1.) That Local Boards may themselves undertake or contract with any Person for

The proper cleansing and watering of Streets:
The Removal of House Refuse from Premises:
The cleansing of Privies, Ashpits, and Cesspools;

either for the whole or any Part of their District; and all Matters thus collected by the Local Board or Contractor may be sold or otherwise disposed of, and any Profits thus made by the Local Board shall be carried to the District Fund Account:

(2.) If any Person, not being the Occupier of a House within the District, removes, or obstructs the Local Board or Contractor in removing any Matters hereby authorized to be removed by the Local Board, he shall for each Offence incur a Penalty not exceeding Five Pounds; and if any Person, being the Occupier of a House within the District, removes, or obstructs the Local Board or Contractor in removing, any such Matters (except in Cases where such Matters are produced on his own Premises, and are removed for Sale, or for his own Use for Manure, and are in the meantime kept so as not to be a Nuisance), he shall for each Offence incur a Penalty not exceeding Forty Shillings:

(3.) In Parts where the Local Board do not themselves undertake or contract with any Person for—

The cleansing of Footways and Pavements adjoining any Premises,—
The Removal of Refuse from any Premises,—
The cleansing of Privies, Ashpits, and Cesspools,—

They may make Byelaws imposing the Duty of such Cleansing or Removal on the Occupier of any such Premises.

Local Board may make Byelaws as to Nuisances.

(4.) The Local Board may make Byelaws for the Prevention of Nuisances arising from Snow, Filth, Dust, Ashes, and Rubbish within their District, or of the keeping of Animals so as to be injurious to the Public Health:

Amendment of Sect. 59. of 11 & 12 Vict. c. 63. as to Removal of Accumulations.

(5.) Whenever the Local Board have removed any noxious or offensive Accumulation under the Fifty-ninth Section of the Public Health Act, 1848, the Expenses of Removal, so far as the same are not covered by the Sale of the said Accumulation, shall be recoverable in a summary Manner from the Occupier, or, where there there is no Occupier, from the Owner of the Premises on which such Accumulation existed, or from the Person causing such Accumulation, or may, by Order of the Board, be declared to be Private Improvement Expenses.

Amendment of Sect. 54. of 11 & 12 Vict. c. 63.

XXIX. Whenever the Surveyor, in the Course of any Examination made by him in pursuance of the Fifty-fourth Section of the Public Health Act, 1848, finds any such Drain, Watercloset, Privy, Cesspool, or Ashpit, as therein mentioned, to be in bad Order and Condition, or to require Alteration, it shall not be necessary for him to cause the Ground to be closed before the necessary Works are set about for amending such Drain, Watercloset, Privy, Cesspool, or Ashpit; provided that such necessary Works are undertaken forthwith.

Powers for Regulation of Buildings.

New Streets and Houses.

XXX. The Fifty-third and Seventy-second Sections of the Public Health Act, 1848, shall be repealed; and in lieu thereof be it enacted as follows:

Every Local Board may make Byelaws with respect to the following Matters; (that is to say,)

(1.) With respect to the Level, Width, and Construction of new Streets, and the Provisions for the Sewerage thereof;

(2.) With respect to the Structure of Walls of new Buildings for securing Stability and the Prevention of Fires;

(3.) With respect to the Sufficiency of the Space about Buildings to secure a free Circulation of Air, and with respect to the Ventilation of Buildings;

(4.) With respect to the Drainage of Buildings, to Waterclosets, Privies, Ashpits, and Cesspools, in connexion with Buildings, and to the closing of Buildings or Parts of Buildings unfit for Human Habitation, and to Prohibition of their Use for such Habitation;

And

And they may further provide for the Observance of the same by enacting therein such Provisions as they think necessary as to the giving of Notices, as to the Deposit of Plans and Sections by Persons intending to lay out Streets or to construct Buildings, as to Inspection by the Local Board, and as to the Power of the Local Board to remove, alter, or pull down any Work begun or done in contravention of such Byelaws: Provided always, that no such Byelaw shall affect any Building erected before the Date of the Constitution of the District.

But for the Purposes of this Act, the re-erecting of any Building pulled down to or below the Ground Floor, or of any Frame Building of which only the Frame Work shall be left down to the Ground Floor, or the Conversion into a Dwelling House of any Building not originally constructed for Human Habitations, or the Conversion into more than One Dwelling House of a Building originally constructed as One Dwelling House only, shall be considered the Erection of a new Building.

Local Board may purchase Premises for Purpose of making new Streets.

XXXI. The Local Board may, with the Sanction of One of Her Majesty's Principal Secretaries of State, purchase any Premises for the Purpose of making new Streets, and shall have with regard to Premises so purchased all the Powers given by the Seventy-third Section of the Public Health Act, 1848.

Highway Repairs.

Cost of Highway Repair to be defrayed out of General District Rate in certain Cases.

XXXII. And whereas Doubts have arisen as to the Rate out of which the Repair of Highways is to be provided for in Districts under the Public Health Act, 1848: Be it enacted, That in such Districts, or in Districts where this Act is adopted, and where no other Mode of providing for the Repair of Highways is directed by any Local Act,

(1.) Where the whole of the District is rated to public Works of Paving, Water Supply, and Sewerage, or to Works for such of these Purposes as are provided for in the District, the Cost of Repair of Highways shall be defrayed out of the General District Rate:

Power to levy Highway Rates in certain Cases.

(2.) Where those Parts of a District not directly benefited by Works of Paving, Lighting, Water Supply, and Sewerage, or by Works for such of these Purposes as have been provided for by Rate levied in the aforesaid Parts in the District, are not rated for or towards the Cost of such Works, the Cost of the Repair of Highways in the same Parts shall be defrayed out of a Highway Rate to be separately assessed and levied in the same Parts by the Local Board as Surveyor of Highways, and the Cost of such Repair in the Residue of the District shall be defrayed out of the General District Rate:

(3.) Where no public Works of Paving, Water Supply, and Sewerage are established in the District, the Repair of Highways in the District shall be provided for by a Highway Rate, to be levied over the whole District by the Local Board as Surveyors of Highways.

(4.) Where Part of any Township or Place, at the Time of the Application of this Act to any District, shall be liable to contribute and pay to the Highway Rates leviable or assessable within such District, although it shall not be included in the Limits of such District, such Part of the said Township or Place shall, for all Purposes connected with the Repairs of Highways, and the Payment of Highway Rates, but for no other Purposes, be considered to be and be treated as if forming Part of such District and comprised within the Limits thereof: Provided always, that no such District Rate shall be leviable within such Part:

Certain Acts not required in case of Highway Rate made by Local Board.

(5.) Provided, that it shall not be necessary for any Local Board, in the Case of any Highway Rate made by them, to do the following Acts or any of them; that is to say,

To lay such Rate before any Justices, or obtain their Allowance:

To annex thereto the Signature of such Local Board:

To lay the same before the Parishioners assembled in Vestry:

To verify before any Justices any Accounts kept by them of such Highway Rates:

And all such Accounts shall be audited in all respects in the same Way as the other Accounts of Local Boards, and all ministerial Acts required by any Act of Parliament to be done by the Surveyor of Highways may be done by the Surveyor of the Local Board, or by such other Person as they may appoint:

Application of Surplus under 11 & 12 Vict. c. 63. s. 117

(6.) The Surplus of any Monies directed by the One hundred and seventeenth Section of the Public Health Act, 1848, to be paid by Surveyors of Highways to the Treasurer of the Local Board, and to be carried to the District Fund Account, shall, for every District or Part of a District where the Roads are repaired out of Highway Rate, be carried by the same Treasurer to a separate Account to be kept by him, and called the Highway Rate Account. The Act of the Thirteenth Victoria, Chapter Thirty-five, "for requiring annual "Returns of the Expenditure on Highways in England and Wales "to be transmitted to the Secretary of State, and afterwards laid "before Parliament," shall apply to the Clerk to every such Local Board as aforesaid in like Manner as to the Clerk to any such Trustee or Commissioner as in such Act mentioned.

Powers as to Streets and Roads.

Local Board may provide for sewering, &c. of

XXXIII. The Powers given to Local Boards of Health by the Sixty-ninth and Seventieth Sections of the Public Health Act, 1848, to compel the sewering, levelling, paving, flagging, and channelling of

of Streets that are not Highways repairable at the Public Expense, and after the Completion of such Works to declare such Streets Highways repairable at the Public Expense, shall extend to providing the Means of lighting, metalling, or making good such Streets, and may be exercised in respect of the Carriageway, Footway, or any Part of such Streets; and the said Powers shall also be deemed to have extended and shall extend and be exercised in respect of any Street or Road of which a Part was at the Time of the Application of the Public Health Act, 1848, or is or may be, a Public Footpath, or repairable at the Public Expense, as fully as if the whole of such Street or Road had been or was a Highway not repairable at the Public Expense.

Parts of Streets not being Highways.

No Incumbent or Minister of any Church, Chapel, or Place appropriated to Public Religious Worship, which is now by Law exempt from Rates for the Relief of the Poor, shall be liable to any Expenses under the Sixty-ninth Section of the Public Health Act, 1848, or this Section, as the Owner or Occupier of such Church, Chapel, or Place, or of any Churchyard or Burial Ground attached thereto, nor shall any such Expenses be deemed to be a Charge on such Church, Chapel, or other Place, or on such Churchyard or Burial Ground, or to subject the same to Distress, Execution, or other legal Process; and the Local Board may, if they think fit, undertake any Works from the Expenses of which any such Incumbent or Minister is hereby exempted.

Ministers of Religion not to be deemed Owners for the Purposes of this Section.

XXXIV. It shall be lawful for any Local Board to agree with any Persons for the making of Roads for the Public Use through the Lands and at the Expense of such Persons, and to agree that such Roads shall become and the same shall accordingly become, on Completion, public Highways maintainable and repairable at the Public Expense; and it shall be lawful for such Board, with the Consent of Two Thirds of their Number, to agree with such Persons to pay, and accordingly to pay, any Portion of the Expenses of making such Roads out of the Funds at the Disposal of such Board for Public Improvements.

Power of Local Boards to agree for the making of new public Roads.

XXXV. It shall be lawful for any Local Board to agree with the Proprietors of any Canals, Railways, or Tramroads, and with any Landowners or other Persons willing to bear the first Expense thereof, for the Construction of and accordingly to cause or permit to be constructed any Bridges, Viaducts, or Arches over or under any such Canals, Railways, or Tramroads, at the Expense of such Persons, and at the like Expense, by Agreement, to purchase so much of any Slopes, Embankments, or other Parts of such Canals, Railways, or Tramroads,

Power of Local Boards, by Consent, to construct public Bridges, &c. or adopt as public, and improve existing Bridges, &c.

over or under Canals, Railways, or Tramroads.

Tramroads, or of any adjoining Lands, as may be required for the Foundation and Supports of such Bridges, Viaducts, or Arches, and the Approaches thereto, and to agree that such Bridges, Viaducts, and Arches respectively, with their Approaches and Accessories, shall become, and the same shall accordingly become, on Completion, Parts of public Streets or Roads maintainable and repairable at the Public Expense; and it shall be lawful for such Board, with the Consent of Two Thirds of their Number, to agree to pay, and accordingly to pay, any Portion of the Expenses of such Construction and Purchase out of the Funds at the Disposal of such Board for Public Improvements; and it shall be lawful for such Board, with the Consent of such Proprietors and other Persons interested, to adopt any existing Bridges, Viaducts, or Arches over or under any such Canals, Railways, or Tramroads, and the Approaches thereto, as public Bridges, Viaducts, or Arches, and Parts of public Streets or Roads maintainable and repairable at the Public Expense.

Powers of Local Boards to make Agreements with Turnpike Trustees.

XXXVI. It shall be lawful for any Local Board, by Agreement with the Trustees of any Turnpike Road, or with any Corporation or Person liable to repair any Street or Road, or any Part thereof, or with Surveyors of any Bridge repaired by any County, Riding, or Division, to take upon themselves the Maintenance, Repair, Cleansing, or Watering of any such Street or Road or any Part thereof, or of any Road over any County Bridge, and the Approaches thereto, or of any Part of the said Roads within their District, and to remove any Turnpike Gates, Toll Gates, or Bars which may be situate within Two Miles from the Centre of any Town or Place within their District, and to erect other Turnpike Gates, Toll Gates, or Bars in lieu thereof, on such Terms as the Local Board and the Trustees or Corporation or Person or Surveyor aforesaid may agree upon between themselves; provided that in case any Mortgage Debt is charged upon the Tolls of any such Turnpike Road, no Agreement shall be made for the Removal of any of the Toll Gates or Bars thereon, unless with the previous Consent in Writing of a Majority of at least Two Thirds in Value of the Mortgagees; and that when the Terms arranged shall include any annual or other Payments from the Local Board to the Trustees, then such Payments may be secured on the local Rates in the same Manner as other Charges on the Rates are authorized by this Act; provided also, that all Executors, Administrators, Guardians, Trustees, and all Committees of the Estates of Idiots and Lunatics, who as such are for the Time being entitled to any Money charged or secured on the Tolls of any such Turnpike Road, may consent to any such Agreement as aforesaid, as fully as if they respectively were so entitled in their own Right, discharged of all Trusts in respect thereof, and all Executors, Administrators, Guardians,

Guardians, Trustees, and Committees so consenting are hereby severally indemnified for so doing.

Objections under s. 70. of the Public Health Act, 1848, to be made by a Majority of the Proprietors, if more than One.

XXXVII. And whereas by the Seventieth Section of the Public Health Act, 1848, it is provided that no Street shall become a Highway, under the Provisions of such Section, if within One Month after Notice in Writing shall have been first put up as therein mentioned the Proprietor of such Street, or the Person representing or entitled to represent such Proprietor, shall, by Notice in Writing to the Local Board, object thereto; and Doubts have arisen as to the Effect of such Provision: Be it enacted, That no such Objection shall be of Force unless made either by the sole Proprietor, or (if more than One) by the Majority in Number of such Proprietors, and in ascertaining such Majority joint Proprietors shall be reckoned and considered One Proprietor.

Saving Clause as to certain Turnpike Roads.

XXXVIII. Notwithstanding anything contained in the Public Health Act, 1848, or this Act, it shall not be lawful for any Local Board to open or in any way disturb any of the public Roads or Footpaths under the Charge of the Commissioners of the Metropolis Turnpike Roads North of the Thames, or of the New Cross Turnpike Roads, or of the Trustees acting in execution of the Surrey and Sussex Roads Act, 1850, except upon the Conditions and subject to the Regulations herein-after contained; that is to say,

(1.) The Local Board shall leave at the Office of the Commissioners or Trustees of such Road Seven Days previous Notice, containing full Particulars of any Works intended to be executed by them, and affecting any of such Roads:

(2.) If the General Surveyor of the said Commissioners or Trustees directs the Works to be on any particular Part of such Roads the Local Board shall be bound to obey such Directions:

(3.) Except by the Permission of the said Commissioners or Trustees, the Traffic of any of the said Roads shall not at One Time be stopped or in any way hindered along more than Half of its Width, nor, if the Half left open is of less than the clear Width of Fourteen Feet, along more than One hundred Yards in Length; and no Alteration shall be made in the Inclination of any of the said Roads of more than One Foot in Sixty Feet:

(4.) All Works shall be done under the Superintendence of the general Surveyor; and all such Precautions as he may direct for the Protection and Convenience of the Public shall be taken, by and at the Expense of the Party doing the Works, and in default the said Surveyor shall cause to be done in that Behalf what he may think proper; and the

Party doing the Works shall in all Cases of Damage occurring by reason of such Works, and whether such Precautions are or not taken, be answerable to the Person suffering such Damage, the said Commissioners or Trustees being hereby absolved from all Liability in respect of the Consequences of such Works:

(5.) The Party doing the Works shall, as regards every Road opened or disturbed, restore the same to its original State as to Surface and Materials, and, in order to meet the Expenses consequent upon the Subsidence of Materials newly filled in, shall repay to the said Commissioners or Trustees, on Demand, such Sum as they have expended in Restoration of the Road, not exceeding One Shilling for every superficial Square Yard, and, so far as the Works affect the same, shall make good all Drainage, Paving of Water Channels, Curbs of Footpaths, and other Matters and Things connected with the Maintenance of the said Roads; and on default the said Surveyor may cause to be done in that Behalf what he may think fit; and the said Surveyor may recover the Expense so incurred by him in a summary Manner.

Incorporated Powers.

Incorporation of Provisions of Towns Police Clauses Act, 1847.

XXXIX. The Provisions of "The Towns Police Clauses Act, 1847,"

(1.) With respect to Obstructions and Nuisances in the Streets,
(2.) With respect to Fires,
(3.) With respect to Places of Public Resort,
(4.) With respect to Hackney Carriages,
(5.) With respect to Bathing,

shall be incorporated with this Act.

Incorporation of Provisions of the Towns Improvement Clauses Act, 1847.

XL. The Provisions of "The Towns Improvement Clauses Act, 1847," with respect to the following Matters, that is to say,

(1.) With respect to naming the Streets and numbering the Houses,
(2.) With respect to improving the Line of the Streets and removing Obstructions,
(3.) With respect to ruinous or dangerous Buildings,
(4.) With respect to Precautions during the Construction and Repair of the Sewers, Streets, and Houses,
(5.) With respect to the Supply of Water, except the Proviso thereto,
(6.) With respect to the Prevention of Smoke,
(7.) With respect to Slaughter-houses,
(8.) With respect to Clocks,

shall

shall be incorporated with this Act, subject to this Qualification, that the above-mentioned Provisions with respect to the Prevention of Smoke shall not extend to any of the Processes following; that is to say, to the coking of Coal, the calcining of Ironstone or Limestone, the making or burning of Bricks, Earthenware, Quarries, Tiles, or Pipes, the raising of any Mines or Minerals, the smelting of Iron Ores, the refining, puddling, shingling, and rolling of Iron or other Metals, or to the melting and casting of Iron into Castings, or to the Manufacture of Glass.

Watching and Lighting Act to be superseded by this Act.

XLI. In any District where the Public Health Act, 1848, is in force, or where this Act is adopted, and in which the Act passed in the Third and Fourth Years of the Reign of King William the Fourth, intituled "An Act to repeal an Act of the Eleventh Year of "His late Majesty King George the Fourth for the lighting and "watching of Parishes in England and Wales, and to make other "Provisions in lieu thereof," has been adopted, the said last-mentioned Act shall be superseded by this Act, and all Lamps, Lamp Posts, Gas Pipes, Fire Engines, Hose, and other Property vested in the Inspectors for the Time being under the said Act, shall, in all existing Districts under the Public Health Act, 1848, and elsewhere upon the Adoption of this Act, vest in the Local Board.

Where Vestries adopt Baths and Wash-houses Act, Local Board to be Commissioners under that Act.

XLII. In any District where a Vestry adopts the Act passed in the Tenth Year of the Reign of Her present Majesty, Chapter Seventy-four, and intituled "An Act to encourage the Establish- "ment of Public Baths and Wash-houses," the Local Board shall upon such Adoption be the Commissioners for the Execution of the said Act, and shall have all the Powers, Duties, Rights, and Obligations of Commissioners under the said Act; and all Expenses incurred by the Local Board in carrying into execution the Powers given to them by the said Act shall be defrayed out of General District Rates, and all Receipts by them by reason of the Exercise of such Powers shall be carried to the District Fund Account.

Repeal of Sections of Public Health Act with respect to Slaughter-houses.

XLIII. The Sixty-first and so much of the Sixty-second Sections of the Public Health Act, 1848, as empowers the Local Board to make Byelaws with respect to all Slaughter-houses, shall be repealed.

Local Board to be Burial Board of District, though the Burial Ground be provided for Parts of the District only.

XLIV. In any District where a Vestry of any One or more Parish or Place comprised therein having a known or defined Boundary adopts the Act passed in the Twentieth and Twenty-first Year of the Reign of Her present Majesty, Chapter Eighty-one, and intituled "An Act to amend the Burial Acts," the Local Board shall, upon such Adoption, with the Consent of such

such Vestry, be the Burial Board for the Execution of the said Act within such Parish or Parishes, Place or Places, so adopting the Act as aforesaid, and shall have all the Powers, Duties, Rights, and Obligations of a Burial Board under the said Act; and all Expenses incurred by the Local Board in carrying into execution the Powers given to them by the said Act shall be defrayed out of Rates to be levied on such Parish or Parishes, Place or Places so adopting the Act as aforesaid, in the same Manner as General District Rates are to be levied under the Provisions of this Act; and all Receipts by them, by reason of the Exercise of such Powers, shall be carried to the Credit of such Parish or Parishes, Place or Places so adopting the Act as aforesaid: Provided nevertheless, that in case the Parish or Parishes, Place or Places comprised in such District so adopting the Act as aforesaid shall have been declared a Ward or Wards for the Election of Members of the Local Board, and Members shall have been elected by and for such Ward or Wards, the last-mentioned Members shall form the Burial Board for such Parish or Parishes, Place or Places so formed into a Ward or Wards as aforesaid, instead of the Members of the said Local Board, and shall have all the like Powers, Duties, Rights, and Obligations of the Burial Board under said Act of the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Eighty-one.

Power of Local Board to establish Markets with Consent of Owners and Ratepayers.

XLV. The Local Board shall in Non-Corporate Districts, with the Consent of the Owners and Ratepayers of the District, to be expressed by Resolution in the Manner herein provided with respect to Resolutions for the Adoption of this Act, and in Corporate Districts shall, with the Consent of Two Thirds of the Local Board, have the Power to do the following Things or any of them within their District:

(1.) To provide a Market Place, and construct a Market House and other Conveniences, for the Purpose of holding Markets:

To provide Houses and Places for weighing Carts:

To make convenient Approaches to such Market:

To provide all such Matters and Things as may be necessary for the convenient Use of such Market:

To purchase or take on Lease Land, and public or private Rights in Markets, and Tolls, for any of the foregoing Purposes:

To take Stallages, Rents, and Tolls in respect of the Use by any Person of such Market House:

But no Market or Slaughter-house shall be established in pursuance of this Section so as to interfere with any Rights, Powers, or Privileges

Privileges enjoyed within the District by any Person, chartered Joint Stock or incorporated Company, without his or their Consent:

Incorporation of Provisions of the Markets and FairsClauses Act, 1847, for those Purposes.

(2.) For the Purpose of enabling any Local Board to establish Markets in manner aforesaid, or to regulate Markets already established in any Corporate Borough before the Constitution of a Local Board therein, there shall be incorporated with this Act the Provisions of "The Markets and Fairs Clauses Act, 1847," in so far as the same relate to Markets:

With respect to the holding of the Market or Fair, and the Protection thereof; and

with respect to the weighing Goods and Carts; and

with respect to the Stallages, Rents, and Tolls; and

with respect to Byelaws;

subject to this Proviso, that all Tolls leviable by the Local Board in pursuance of this Section shall be approved by One of Her Majesty's Principal Secretaries of State.

Water Supply.

Extending Powers of 76th Section of Public Health Act, for providing compulsory Water Supply in certain Cases.

XLVI. The Powers given to Local Boards by the Seventy-sixth Section of the Public Health Act, 1848, shall extend to any House within their District to which a Supply of Water can be provided at an Expense not exceeding the Water Rate authorized by any Local Act in force in the District, or, where there is no such Act, at an Expense not exceeding Five Pounds per Centum on the annual Value of the Premises, and Notices under that Section shall be served on Owners of Houses so supplied instead of Occupiers, and Expenses incurred under that Section shall be recoverable from such Owners.

Power of carrying Water Mains.

XLVII. Where the Local Board supply Water to their District they shall have the same Power for carrying Water Mains within the District as they have for carrying Sewers by the Law in force for the Time being.

Power to Directors of Waterworks or Market Company to sell to Local Boards.

XLVIII. It shall be lawful for any Local Board of Health absolutely to purchase, and for the Directors for the Time being of any Waterworks Company or Market Company, by and with the Authority of Three Fifths of the Shareholders for the Time being in such Company, who may be present, either personally or by Proxy, at some General Meeting of the Company specially convened for the Purpose, to sell, convey, and transfer unto any Local Board of Health, upon such Terms as shall be mutually agreed upon between the Company and the Local Board, all the Rights, Powers, and Privileges, and all or any of the Lands and Premises, Works, Matters, and Things, which at the Time of such Purchase shall be the Property of the Company, but subject to all Mortgages, Contracts, or Liabilities to which the same shall be then subject.

Expenses and Rates.

Repealing the Power of levying Special District Rate, and providing for existing Debts.

XLIX. (1.) The Eighty-sixth Section of the Public Health Act, 1848, shall be repealed; and whenever Special District Rate is mentioned in the Public Health Act, 1848, that Act shall be read as if no such Rate were mentioned therein: Provided always, that all Debts incurred and Contracts and Engagements entered into by or to any Local Board previously to the passing of this Act, shall be enforced, and all Powers vested in any Local Board of raising Money by Rates, Tolls, or other Means for the Purpose of satisfying all such of the said Debts, Contracts, and Engagements as were incurred or entered into by such Local Board, shall be exercised in the same Manner as if this Act had not been passed:

(2.) No Publication shall be required of any Private Improvement Rate:

(3.) The Costs of the Levy of Arrears of any Rate may be included in the Warrant for such Levy.

(4.) When any Rate is appealed against, or the Validity of any Rate is disputed, the Time during which the Appeal remains undecided, or any legal Proceedings concerning or relating to such Rate shall be pending, shall be excluded in calculating such Period of Twelve Months as lastly herein-before mentioned.

Mode of Assessment of General District Rate, and Provision for compounding for Rates in the Case of small Tenements.

L. The Eighty-eighth and Ninety-fifth Sections of "The Public Health Act, 1848," shall be repealed, and in lieu thereof be it enacted, That the General District Rates shall be made and levied upon the Occupier of all such Kinds of Property as by the Laws in force for the Time being are or may be assessable to any Rate for the Relief of the Poor, and shall be assessed upon the full net annual Value of such Property, ascertained by the Rate (if any) for the Relief of the Poor made next before the making of the Assessments under this Act, subject, however, to the following Exceptions, Regulations, and Conditions; namely,

The Owner, instead of the Occupier, may, at the Option of the Local Board, be rated in Cases—

Where the rateable Value of any Premises liable to Assessment under this Act does not exceed the Sum of Ten Pounds; or,

Where any Premises liable to an Assessment are let to weekly or monthly Tenants; or,

Where any Premises so liable as aforesaid are let in separate Apartments, or where the Rents become payable or are collected at any shorter Period than quarterly; subject to this Proviso, that in Cases where the Owner is rated instead of the Occupier he shall be assessed upon such reduced Estimate as the Local Board deems reasonable of the net annual Value, not being less than Two Thirds nor more than Four Fifths of such annual Value:

And

And where such reduced Estimate is in respect of Tenements, whether occupied or unoccupied, then such Assessment may be made on One Half of the Amount at which such Tenements would be liable to be rated if the same were occupied and the Rate were levied on the Occupiers:

Certain Kinds of Property assessable on One Fourth of their net annual Value.

The Owner of any Tithes, or of any Tithe Commutation Rent-charge, or the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water, or used only as a Canal or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for Public Conveyance, shall be assessed in respect of the same in the Proportion of One Fourth Part only of such net annual Value thereof:

Provision as to Exemptions from rating under Local Acts.

Provided nevertheless, that if within any District or Part of a District any Kind of Property be exempted from rating by any Local Act in respect of all or any of the Purposes for which General District Rates may be made under this Act, the same Kind of Property shall, in respect of the same Purposes, and to the same Extent within the Parts to which the Exemption applies, but not further or otherwise, be exempt from Assessment to any General District Rates under this Act, unless a Provisional Order obtained and confirmed by Parliament in manner herein-after provided shall otherwise direct.

Poor Rate Books to be accessible for rating under Public Health Acts.

Power of Re-valuation.

LI. For the Purpose of assessing the General District Rate, any Person appointed by the Local Board may inspect, take Copies of, or make Extracts from any Rate for the Relief of the Poor within the District, or any Books relating to the same; and if any Officer having the Custody of such last-mentioned Rate or Book refuses to permit any such Inspection, or the taking of any such Copies or Extract, he shall for each Offence incur a Penalty not exceeding Five Pounds: If there is no such Assessment as aforesaid for the Relief of the Poor by reference to which such net annual Value can be estimated, or if such Assessment is, in the Judgment of the Local Board, an unfit Criterion for making a General District Rate, a Valuation shall be made by a Person appointed by the Local Board for that Purpose, in manner, as near as Circumstances will permit, prescribed by an Act passed in the Seventh Year of the Reign of King William the Fourth, intituled "An Act to regulate Parochial Assessments," or any other Act for the Time being in force for regulating Parochial Assessments; and the net annual Value of the Property shall be ascertained by reference to the said Valuation and Assessment.

Repealing 107th, 113th, and 119th Sec-

LII. The One hundred and seventh, the One hundred and thirteenth, and the One hundred and nineteenth Sections of the

tions of the Public Health Act, 1848, and Power for Mortgage of Rates in lieu of repealed Provisions.

Public Health Act, 1848, shall be repealed; and in lieu thereof, be it enacted, That the Local Board, or any Board of Improvement Commissioners exercising the borrowing Powers of the Public Health Act, 1848, may, for the Purpose of defraying any Costs, Charges, and Expenses incurred or to be incurred by them in the Execution of this Act or of any Act incorporated herewith, or of any Act incorporating the Powers of the Public Health Act, 1848, borrow and take up at Interest, on the Credit of the Charges and Rates authorized to be made or collected under the said Acts respectively, any Sums of Money necessary for defraying any such Costs, Charges, and Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the said Local Board may mortgage to the Persons by or on behalf of whom such Sums are advanced the said Charges and Rates or any of them; but the Exercise of the above Power shall be subject to the following Regulations:

(1.) Such Money shall not be borrowed except for permanent Works, nor without the Sanction of One of Her Majesty's Principal Secretaries of State:

(2.) The Money so borrowed shall not, except as herein-after provided, at any Time exceed in the whole the assessable Value for One Year of the Premises assessable within the District in respect of which such Money may be borrowed:

(3.) The Money may be borrowed for such Time, not exceeding Thirty Years, as the Local Board, with the Sanction of One of Her Majesty's Principal Secretaries of State, determine in each Case; and, subject as aforesaid, the Local Board may either pay off the Monies so borrowed by equal annual Instalments, or they may in every Year set apart as a Sinking Fund, and accumulate in the way of Compound Interest by investing the same in the Purchase of Exchequer Bills or other Government Securities, such Sum as will be sufficient to pay off the Monies so borrowed, or a Part thereof, at such Times as the Local Board may determine:

And in Cases where the Local Board borrow any Money for the Purpose of defraying Private Expenses, or Expenses in respect of which they have determined a Part only of the District to be liable, it shall be the Duty of the Local Board, as between the Ratepayers of the District, to make good, so far as they can, the Money so borrowed, as Occasion requires, either out of Private Improvement Rates, or out of a Rate levied in such Part of the District as aforesaid.

Rentcharge may be granted for

LIII. Where any Person shall advance Money for any Expenses which by the said Public Health Act, 1848, are, or by the said

said Local Board shall be, declared to be Private Improvement Expenses, the said Local Board, on being satisfied by the Report of their Surveyor or otherwise that the Money advanced by such Person has been duly expended, may issue a Grant in the Form B. in the Schedule hereunto annexed to such Person of a yearly Rentcharge to be issuable out of the Premises in respect whereof such Advance shall have been made, or out of such Part thereof, to be specified in such Grant, as the said Local Board shall think proper and sufficient, such Rentcharge to be Personal Estate, and to begin to accrue from the Day of Completion of the Works on which such Money shall have been expended as aforesaid, and to be payable by equal half-yearly Payments for and during a Term not exceeding Thirty Years, in such Manner that the whole of the said Sum so to be advanced as aforesaid, with the Costs of preparing the said Grant so to be issued as aforesaid, together with Interest thereon respectively, at a Rate not exceeding Six Pounds per Centum per Annum upon the Sum from Time to Time remaining unpaid, shall be repaid at the End of the said Term: Provided always, that the Grantee of such Rentcharge shall for the Recovery of the same have all the Powers, Authorities, Rights, and Remedies of the said Local Board with respect to Private Improvement Rates, and the Provisions of the Ninety-first and Ninety-second Sections of the Public Health Act, 1848, shall also be applicable to such Rentcharge.

Advances made to meet First Cost of Private Improvements.

LIV. All Rentcharges made in pursuance of this Act, and Transfers thereof, shall be registered in the same Manner respectively as Mortgages and Transfers are required to be registered under the One hundred and eleventh and One hundred and twelfth Sections of the Public Health Act, 1848.

Rentcharges to be registered.

Audit of Accounts.

The One hundred and twenty-second Section of the Public Health Act, 1848, shall be repealed, and, in lieu thereof, be it enacted as follows:

Provisions as to Audit.

LV. Where the Mayor, Aldermen, and Burgesses of a Borough are the Local Board, the Accounts of the Receipts and Expenditure of the Local Board shall be audited and examined by the Auditors of the Borough, and shall be published in like Manner and at the same Time as the Municipal Accounts, and the Auditors shall proceed in the Audit after like Notice and in like Manner, shall have like Powers and Authorities, and perform like Duties, as in the Case of auditing the Municipal Accounts; and any Order of the Local Board for the Payment of any Money may be removed by Certiorari, and like Proceedings may be had thereon as under Section Forty-four of the Act

of the First Year of Her Majesty, Chapter Seventy-eight, with respect to Orders of the Council of a Borough for Payments out of the Borough Fund:

With respect to Districts not Boroughs, as follows:

(1.) The Accounts of the Receipts and Expenditure of the Local Board shall be audited and examined once in every Year, as soon as can be after the Twenty-fifth Day of March, by the Auditor of Accounts relating to the Relief of the Poor for the Union in which the District or the greater Part thereof is situate, unless such Auditor is a Member of the Local Board whose Accounts he is appointed to audit, in which Case such Accounts shall be audited by such Auditor of any adjoining Union as may from Time to Time be appointed by the Local Board of Health:

Power of Allowance, Disallowance, and Surcharge.

And any Auditor acting in pursuance of this Section shall disallow every Item of Account contrary to Law, and surcharge the same upon the Person making or authorizing the making of the illegal Payment, and shall certify the same to be due from such Person, and upon Application by any Party aggrieved shall state in Writing the Reasons for his Decision in respect of such Disallowance or Surcharge, and also of any Allowance which he may have made; and any Person aggrieved by Disallowance made may apply to the Court of Queen's Bench for a Writ of Certiorari to remove the Disallowance into the said Court, in the same Manner and subject to the same Conditions as are provided in the Case of Disallowances by Auditors under the Laws for the Time being in force with regard to the Relief of the Poor; and the said Court shall have the same Powers with respect to Allowances, Disallowances, and Surcharges under this Act as it has with respect to Disallowances or Allowances by the said Auditors; or in lieu of such Application any Person so aggrieved may appeal to One of Her Her Majesty's Principal Secretaries of State, who shall have the same Powers in the Case of the Appeal as are possessed by the Poor Law Board in the Case of Appeals against Allowances, Disallowances, and Surcharges by the said Poor Law Auditors:

Disallowances may be removed by Certiorari into Court of Queen's Bench.

Appeal against Disallowances.

(2.) Every Sum certified to be due from any Person by the Auditor under this Act shall be paid by such Person to the Treasurer of the Local Board within Fourteen Days after the same shall have been so certified, unless there be an Appeal against the Decision; and if such Sum shall not be so paid, and there be no such Appeal, the Auditor shall recover the same from the Person against whom the same shall

Recovery of Disallowances.

shall have been certified to be due by the like Process and with the like Powers as in the Case of Sums certified upon the Audit of the Poor Rate Accounts, and shall be paid by the Local Board all such Costs and Expenses, including a reasonable Compensation for his Loss of Time incurred by him in such Proceedings, as shall not be recovered by him from such Person :

Power to Auditor to require Production of Books.

(3.) For the Purpose of any Audit of Account under this Act, every Auditor may, by Summons in Writing, require the Production before him of all Books, Deeds, Contracts, Accounts, Vouchers, and all other Documents and Papers which he may deem necessary, and may require any Person holding or accountable for any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers to appear before him at any such Audit or any Adjournment thereof, and to make and sign a Declaration as to the Correctness of the same; and if any such Person neglects or refuses so to do, or to produce any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers, or to make or sign such Declaration, he shall incur for every Neglect or Refusal a Penalty not exceeding Forty Shillings; and if he falsely or corruptly makes or signs any such Declaration, knowing the same to be untrue in any material Particular, he shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury; and such Auditor shall in respect of each Audit be paid, out of the General District Rates levied under this Act, such reasonable Remuneration, not being less than Two Guineas for every Day in which he is employed in such Audit, as the Local Board from Time to Time appoints, together with his Expenses of travelling to and from the Place of Audit :

Notice of Audit.

(4.) Before each Audit of Accounts under this Act, the Local Board, shall after receiving from the Auditor the requisite Appointment, give Twenty Days Notice of the Time and Place at which the same will be made, by Advertisement in some One or more of the public Newspapers circulated in the District; and a Copy of the Accounts to be audited, together with all Rate Books, Account Books, Deeds, Contracts, Accounts, Bills, Vouchers, and Receipts mentioned or referred to in such Accounts, shall be deposited in the Office of the Local Board, and be open, during Office Hours thereat, to the Inspection of all Persons interested, for Seven Days before the Audit; and all such Persons shall be at liberty to take Copies of or Extracts from the same, without Fee or Reward; and the Production

of the Newspaper containing such Notice shall be deemed to be sufficient Proof of the Notice of Audit on any Proceeding whatsoever :

Report of Auditor.

(5.) Within Fourteen Days after the Completion of the Audit, the Auditor shall report upon the Accounts audited and examined, and shall deliver such Report to the Clerk of the Local Board, who shall cause the same to be deposited in the Office of the Local Board, and shall publish an Abstract of such Accounts in some One or more of the Newspapers circulated in the District.

Legal Proceedings.

Notices by Local Boards to be signed by Clerk.

LVI. Any Summons, Demand, or Notice, or other such Document under the Public Health Act, 1848, or any supplemental Act or this Act, may be in Writing or Print, or partly in Writing and partly in Print, and if the same require Authentication by the Local Board, the Signature thereof by the Clerk to the Local Board shall be sufficient Authentication.

Expenses due from Owners to be a Charge on Premises.

LVII. Where the Local Board have incurred Expenses, for the Repayment whereof the Owner of the Premises for or in respect of which the same are incurred is made liable, either by Application of or Agreement with the Owner, or by the Public Health Act, 1848, or any Act incorporated therewith, or this Act, the same may be recovered from the Person who is Owner of such Premises when the Works are completed for which such Expenses have been incurred, in the Manner provided by the Public Health Act, 1848, and such Expenses shall be a Charge on the Premises in respect of which they were incurred, and shall bear Interest at the Rate of Five Pounds per Centum per Annum till Payment thereof.

Apportionment of Expenses payable by Owners to be conclusive after Three Months from Notice to them of the Amount.

LVIII. Notwithstanding anything in the Public Heath Act contained, in all Cases where by such Act the Local Board shall have incurred Expenses, for the Repayment whereof the Owners of the Premises for or in respect of which the same are incurred is made liable by the Public Health Act, 1848, or any Act incorporated therewith, or by this Act, and such Expenses have been settled and apportioned by the Surveyors as payable by such Owner, such Apportionment shall be binding and conclusive upon such Owner, unless within the Expiration of Three Months from the Time of Notice being given by the Local Board or their Surveyor of the Amount of the Proportion so settled by the said Surveyor to be due from such Owner he shall by written Notice dispute the same.

LIX. All

Arbitration to be confined to Cases involving more than 20*l.*

LIX. All Questions referable to Arbitration under the Public Health Act, 1848, or this Act, or any Act incorporated therewith, may, when the Amount in dispute is less than Twenty Pounds, be determined before Two Justices in a summary Manner, but the Justices may, if they think fit, require that the Work in respect of which the Claim of the Local Board is made, and the Particulars of the Claim, be reported on to them by any competent Surveyor, not being the Surveyor of the Local Board; and the Justices may determine the Amount of Costs incurred on that Behalf, and by whom such Costs or any Part of them shall shall be paid.

Memorials in respect of Private Improvement Charges.

LX. Memorials under the One hundred and twentieth Section of the Public Health Act, 1848, from and after the First Day of September One thousand eight hundred and fifty-eight, shall be addressed to One of Her Majesty's Principal Secretaries of State, who shall have the same Powers in respect thereof as are vested in the General Board of Health by the said Section.

Penalty on Injury to Works, &c. of Local Board.

LXI. If any Person wilfully injures any Works or Materials belonging to any Local Board, he shall in Cases where no other Penalty is provided by the Public Health Act, 1848, or any Act incorporated therewith, incur for every such Offence a Penalty not exceeding Five Pounds, to be recovered in a summary Manner.

Penalties to be payable to District Fund Account.

LXII. All Penalties incurred in any Corporate Borough, and made payable to the Local Board of Health by the Public Health Act, 1848, or any Act incorporated therewith, or this Act, or any Act of which the Powers are to be executed by a Local Board, shall be payable to the District Fund Account, any Act to the contrary notwithstanding.

Saving Clauses.

Repeal of 145th Section of Public Health Act, 1848.

The One hundred and forty-fifth Section of the Public Health Act shall be repealed, and in lieu thereof be it enacted,

LXIII. That nothing in this Act shall be construed to authorize any Local Board of Health,

(1.) To use, injure, or interfere with any Sluices, Floodgates, Sewers, Groynes, or Sea Defences, or other Works, already or hereafter made under the Authority of any Commissioners of Sewers appointed by the Crown, or any Sewers or other Works already or hereafter made and used for the Purpose of draining, preserving, or improving Land under any Local or Private Act of Parliament, or for the Purpose of irrigating Land, or in any Manner to disturb or interfere with any Lands, Hereditaments, Estates, or Property vested in

Her Majesty's Principal Secretary of State for the War Department for the Time being, without Consent in Writing first obtained from such Commissioners or Secretary of State, or Persons acquiring Rights under such Local or Private Acts respectively; and nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities given or reserved to any Person under such Local or Private Acts;

Saving Clause for Proprietors of Canals, &c.

(2.) To interfere with any River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, so as to injuriously affect the Navigation thereon, or the Use thereof, or to interfere with any Towing-path so as to interrupt the Traffic thereof, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals are by virtue of any Act of Parliament entitled to navigate on or use such River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, or in respect of the Navigation on or Use of which River, Canal, Dock, Harbour, Lock, Reservoir, or Basin any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees or Individuals are entitled by virtue of any Act of Parliament to the Receipt of any Tolls or other Dues;

(3.) To interfere with any Watercourse in such Manner as to injuriously affect the Supply of Water to any River, Canal, Dock, Harbour, Reservoir, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals (being authorized by virtue of any Act of Parliament to navigate on or use such River, Canal, Dock, Harbour, Reservoir, or Basin, or to demand any Tolls or Dues in respect of the Navigation on or Use of such River, Canal, Dock, Harbour, Reservoir, or Basin,) would, if this Act had not passed, have been entitled by Law to prevent or be relieved against such Interference;

(4.) To interfere with any Bridges crossing any River, Canal, Dock, Harbour, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are authorized by virtue of any Act of Parliament to navigate or use such River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation or Use of such River, Canal, Dock, Harbour, or Basin;

(5.) To execute any Works in, through, or under any Wharves, Quays, Docks, Harbours, or Basins, to the exclusive Use of which any Corporation, Company, Undertakers, Commissioners

sioners, Conservators, Trustees, or Individuals are entitled by virtue of any Act of Parliament, or for the Use of which they are entitled by virtue of any Act of Parliament to demand any Tolls or Dues,

without the Consent in every Case of such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as are herein-before in that Behalf respectively mentioned, such Consent to be expressed in Writing, in the Case of a Corporation under their Common Seal, and in the Case of a Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals, under the Hand of their Clerk or other duly authorized Officer or Agent: Provided always, that nothing in this Act contained shall be construed to alter or affect the Maintenance of any Rights of Local Boards existing at the Time of the passing of this Act.

Works not within preceding Section, and which interfere with Improvement of Rivers, Canals, &c., to be referred to Arbitration.

LXIV. In Cases where any Matters or Things proposed to be done by any Local Board, and which are not within the Prohibition aforesaid, interfere with the Improvement of any River, Canal, Dock, Harbour, Lock, Reservoir, Basin, or Towing-path which any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the Navigation whereon or Use whereof to demand any Tolls or Dues, or interfere with any Works belonging to such River, Canal, Dock, Harbour, or Basin, or with any Land necessary for the Enjoyment or Improvement thereof, the Local Board shall give to such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as last aforesaid a Notice specifying the Particulars of the Matters and Things so intended to be done; and if the Parties on whom such Notice is served do not consent to the Requisitions thereof, the Matter in difference shall be referred to Arbitration; and the following Questions shall be decided by such Arbitration; (that is to say,)

(1.) Whether the Matters or Things so proposed to be done by the Local Board will cause any Injury to such River, Canal, Dock, Harbour, Basin, Towing-path, Works, or Land as are herein-before mentioned in this Section, or to the Enjoyment or Improvement of such River, Canal, Dock, Harbour, or Basin as aforesaid:

(2.) Whether any Injury that may be caused by such Matters or Things or any of them is or not of a Nature to admit of being fully compensated by Money.

Effect of Arbitration.

LXV. The Result of any such Arbitration shall be final, and the Local Board shall do as follows; (that is to say,)

If the Arbitrators are of opinion that no Injury will be caused, the

Local Board may forthwith proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, but that such Injury is of a Nature to admit of being fully compensated by Money, they shall proceed to assess such Compensation; and upon Payment of the Amount so assessed, but not before, the Local Board may proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, and that it is not of a Nature to admit of being fully compensated by Money, the Local Board shall not proceed to do any Matter or Thing in respect of which such Opinion may be given.

Saving Clause as to Transfer.

LXVI. No Transfer of Powers and Privileges under this Act shall deprive any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on any River or Canal, or to demand for their own Benefit in respect of such Navigation any Tolls or Dues, of such Powers and Privileges as are vested in them by any Act of Parliament in relation to such River or Canal.

Power for Corporation to alter Sewers.

LXVII. Any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on or use any River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation on such River or Canal or the Use of such Dock, Harbour, or Basin, may, at their own Expense, and on substituting other Sewers, Drains, Culverts, and Pipes equally effectual, and certified as such by the Surveyor to the Local Board, take up, divert, or alter the Level of any Sewers, Drains, Culverts, or Pipes constructed by any Local Board, and passing under or interfering with such Rivers, Canals, Docks, Harbours, or Basins, or the Towing-paths of such Rivers, Canals, Docks, Harbours, or Basins, and do all such Matters and Things as may be necessary for carrying into effect such taking up, Diversion, or Alteration.

Preserving Water Rights of Companies or Individuals.

LXVIII. Nothing in this Act, or any Act incorporated therewith, shall be construed to authorize any Local Board to injuriously affect any Reservoir, River, or Stream, or the Feeders of any Reservoir, River, or Stream, or the Supply, Quality, or Fall of Water contained in any Reservoir, River, Stream, or Feeders of any Reservoir, River, or Stream, in Cases where any Company or Individuals would, if this Act had not passed, have been entitled by Law to prevent or be relieved against the injuriously affecting such Reservoir, River, Stream, Feeders, Supply, Quality, or Fall of Water, unless such Board

Board shall have first obtained the Consent in Writing of such Company or Individuals so entitled as aforesaid.

Arbitration Questions under preceding Sections.

LXIX. Any Difference of Opinion that may arise between a Local Board and any such Corporation, Company, Commissioners, Conservators, Trustees, or Individuals as aforesaid, whether any Sewers, Drains, Culverts, or Pipes substituted under the Powers of this Act for Sewers, Drains, Culverts, or Pipes constructed or laid down by any Local Board are equally effectual with those for which they are substituted, or whether the Supply, Quality, or Fall of Water in any such Reservoir, River, or Stream as last aforesaid is injuriously affected by the Exercise of Powers under this Act, may, at the Option of the Party complaining, be determined by Arbitration in the Manner herein-before provided; and in the latter Case the Arbitrators shall decide the same Questions as to the alleged Injury; and the Local Board shall proceed in the same Way as is herein-before provided with regard to Arbitrations in Cases of alleged Injury to Rivers, Canals, Docks, Harbours, and Basins.

Purchase of Land.

Regulation as to the Purchase of Land.

LXX. So much of the Eighty-fourth Section of the Public Health Act, 1848, as relates to the Incorporation of the Lands Clauses Consolidation Act, 1845, shall be repealed, and the following Regulations shall be observed with respect to the Purchase of Land by Local Boards for the Purposes of this Act; (that is to say,)

(1.) The Lands Clauses Consolidation Act, 1845, shall be incorporated with this Act, except the Provisions relating to Access to the Special Act:

(2.) The Local Board, before putting in force any of the Powers of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Land otherwise than by Agreement, shall

Publication of Notices.

publish once at the least in each of Three consecutive Weeks in some Newspaper circulated in the District or some Part of the District within which such Local Board has Jurisdiction is situate, an Advertisement describing shortly the Nature of the Undertaking in respect of which the Land is proposed to be taken, naming a Place where a Plan of the proposed Undertaking may be seen at all reasonable Hours, and stating the Quantity of Land that they require; and shall further

Service of Notices.

serve a Notice in manner herein-after mentioned on every Owner or reputed Owner, Lessee or reputed Lessee

and Occupier of such Land, defining in each Case the particular Land intended to be taken, and requiring an Answer, stating whether the Person so served assents, dissents, or is neuter in respect of taking such Land; such Notice to be served

by Delivery of the same personally on the Party required to be served, or, if such Party is absent abroad, to his Agent; or

by leaving the same at the usual or last known Place of Abode of such Party as aforesaid; or

by forwarding the same by Post in a registered Letter addressed to the usual or last known Place of Abode of such Party:

Local Board to petition Secretary of State.

(3.) Upon Compliance with the Provisions herein-before contained with respect to Advertisements and Notices, the Local Board may present a Petition under their Seal to One of Her Majesty's Principal Secretaries of State: The Petition shall state the Land intended to be taken, and the Purposes for which it is required, and the Names of the Owners, Lessees, and Occupiers of Land who have assented, dissented, or are neuter in respect of the taking such Land, or who have returned no Answer to the Notice: It shall pray that the Local Board may, with reference to such Land, be allowed to put in force the Powers of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Land otherwise than by Agreement, and such Prayer shall be supported by such Evidence as the Secretary of State requires:

Secretary of State may direct Inquiry:

(4.) Upon the Receipt of such Petition, and upon due Proof of the proper Advertisements having been published and Notices served, the Secretary of State shall take such Petition into consideration, and may either dismiss the same, or direct an Inquiry in the District in which the Land is situate, or otherwise inquire as to the Propriety of assenting to the Prayer of such Petition; but until such Inquiry has been made in the District, after such Notice as may be directed by the Secretary of State, no Provisional Order shall be made affecting any Land, without the Consent of the Owners, Lessees, and Occupiers thereof:

May make Provisional Order.

(5.) After the Completion of the Inquiry as last aforesaid, the Secretary of State may, by Provisional Order, empower the Local Board to put in force with reference to the Land referred to in such Order the Powers of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Land otherwise than by Agreement,

or

or any of them, and either absolutely or with such Conditions and Modifications as he may think fit, and it shall be the Duty of the Local Board to serve a Copy of any Order so made in the Manner and upon the Person in which and upon whom Notices in respect of such Land are hereinbefore required to be served.

And obtain Confirmation of Provisional Order by Parliament.

(6.) No Provisional Order so made shall be of any Validity unless the same has been confirmed by Act of Parliament, and it shall be lawful for the Secretary of State as soon as conveniently may be to obtain such Confirmation, and the Act confirming such Order shall be deemed to be a Public General Act of Parliament: Provided always, that in case any Petition shall be presented to either House of Parliament against any Provisional Order framed in pursuance of this Act, in the Progress through Parliament of the Bill confirming the same, the Bill, so far as it relates to the Order so petitioned against, may be referred to a Select Committee, and the Petitioner shall be allowed to appear and oppose as in the Case of Private Bills.

Costs how to be defrayed.

(7.) All Costs, Charges, and Expenses incurred by the said Secretary of State in relation to any such Provisional Order as last aforesaid shall, to such Amount as the Commissioners of Her Majesty's Treasury think proper to direct, become a Charge upon the General District Rates levied in the District to which such Order relates, and be repaid to the said Commissioners of Her Majesty's Treasury by annual Instalments not exceeding Five, together with Interest after the yearly Rate of Five Pounds in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

Local Board to report.

Local Board to report.

LXXI. Every Local Board shall make an annual Report, in such Form and at such Time as the Secretary of State may from Time to Time direct, of all Works executed by them during the preceding Year, and of all Sums received and Disbursements made, under and for the Purposes of this Act, and publish the same in some Newspaper circulating in the District, and shall send a Copy to the Secretary of State.

Provisional Orders and Powers of Secretary of State.

Petition for Incorporation with or

LXXII. The One hundred and forty-first Section of the Public Health Act, 1848, shall be repealed, and in lieu thereof be it enacted as

Separation from District, or for Repeal, &c. of Local Acts.

as follows: Whenever it appears desirable to the Local Board of any District, or to the Majority of the Owners and Ratepayers in any Parish, Township, Hamlet, or Place maintaining its own Roads or its own Poor, adjoining any District, or to the Majority of Owners and Ratepayers in any Part of a District, such Majorities to be ascertained in the Way herein provided for voting with respect to the Adoption of this Act,

That any Portion of such Parish, Township, Hamlet, or Place should be incorporated with the District, or that such Part of the District should be separated therefrom,

Or whenever it appears to the Local Board of any District desirable,

That Provision should be made for the future Execution of any Local Acts in force within such District, having relation to the Purposes of this Act, and not conferring Powers or Privileges upon Corporations, Companies, Undertakers, or Individuals, for their own pecuniary Benefit; or that any such Acts, or any Exemptions from rating derived therefrom, or any Provisional Order or Order in Council applying the Public Health Act, 1848, should be wholly or partially repealed or altered,

(1.) They may present a Petition to One of Her Majesty's Principal Secretaries of State, praying for such Incorporation, Separation, Provision, Repeal, and Alteration as aforesaid, or for any of such Things, and such Petition shall be supported by such Evidence as the said Secretary requires:

Power of Secretary of State on Receipt of Petition.

(2.) Upon the Receipt of any such Petition Inquiry may be directed in the District in respect of the several Matters mentioned in the Petition, after giving Fourteen Days Notice of the Time, Place, and Subject of the Inquiry:

To issue Order, and obtain Consent of District.

(3.) It shall be lawful for any of Her Majesty's Principal Secretaries of State to issue a Provisional Order in relation to the several Things mentioned in the Petition, and either in accordance with the Prayer thereof, or with such Modifications as may be requisite; and when the Order provides for the Incorporation of a Portion of any such Parish, Township, Hamlet, or Place with the District, or the Separation of any Part from the District, an Inspector shall proceed to the District, for the Purpose of obtaining the Consent to such Order of the Place of which it is proposed that a Portion should be incorporated, or of the Part to be separated, and also, if such Order provide for any such Incorporation, the Consent of the petitioning District:

Consents how testified.

(4.) The Consent of the petitioning District to such Order shall be testified by a Resolution of the Local Board of such District, and the Consent of any Place or Part by a Resolution passed by a Majority of the Ratepayers resident in any such Place or Part assembled at a Meeting convened for the Purpose; and the Inspector shall,

shall, for the Purpose of obtaining such Consents, have Power to convene Meetings of the Local Board of any District, or Meetings of the Ratepayers of any Place or Part, with Fourteen Days Notice of the Time, Place, and Subject of such Meetings, and to do all such Matters and Things as may be expedient for that Purpose:

Provision as to Meetings of Part or Place.

(5.) In the Case of a Meeting of the Ratepayers of any Place or Part, the Ratepayers present shall elect a Chairman; and a Declaration by the Chairman that the Opinion of the Meeting is in favour or against any Resolution, as the Case may be, shall, in the Absence of Proof to the contrary, be sufficient Evidence that the Resolution is passed: The Inspector shall have Power to attend any such Meeting:

Secretary of State to obtain Confirmation of Order.

(6.) Whenever such Consents as aforesaid have been given in the Cases in which they are herein-before required, the said Secretary of State shall, as soon as conveniently may be, take all necessary Steps for the Confirmation of such Order by Act of Parliament; but previously to such Confirmation it shall not be of any Validity whatever, and every Act of Parliament confirming such Order shall be deemed a Public General Act.

Extension of borrowing Powers in certain Cases.

LXXIII. Where a Local Board, or any Board of Improvement Commissioners exercising the borrowing Powers of the Public Health Act, 1848, has executed Works of Sewerage and Water Supply or proposes to execute such Works, and where the Cost of such Works exceeds One Year's assessable Value of the Premises assessable within the District in respect of which such Money may be borrowed, it shall be lawful for such Board to present a Petition to One of Her Majesty's Principal Secretaries of State praying for Powers to borrow for such Works, on Mortgage of the Rates leviable by them under the Public Health Act, 1848, and this Act, an Amount not exceeding Two Years assessable Value of the Premises assessable within the District in respect of which such Money may be borrowed, such Amount to be repaid within such Period not exceeding Fifty Years as such Board, with the Sanction of One of Her Majesty's Principal Secretaries of State shall in each Case determine; and it shall be lawful for any of Her Majesty's Principal Secretaries of State to direct Inquiry on such Petition, and to issue a Provisional Order thereupon, and to take Steps for the Confirmation of any such Provisional Order by Act of Parliament in the Manner sanctioned in the preceding Section.

Secretary of State to provide for Execution of Act.

LXXIV. It shall be lawful for the Secretary of State to report annually to Parliament on the Execution of this Act, to make or direct such Inquiries as are directed by this Act, and to appoint from Time to Time such Officers, Clerks, and Servants as he may require for the Purposes of this Act, and at his Pleasure to remove

any such Officers, Clerks, or Servants; and the Commissioners of Her Majesty's Treasury shall fix the Salaries and Allowances of such Officers, Clerks, and Servants.

Powers for Inquiry directed by Secretary of State.

LXXV. Any Officer directed by One of Her Majesty's Principal Secretaries of State to inquire into any Matter into which such Secretary is empowered to direct Inquiry under this Act shall, for the Purposes of such Inquiry, have all the Powers vested in superintending Inspectors by the One hundred and twenty-first Section of the Public Health Act, 1848.

Orders of Secretary of State to be binding.

LXXVI. All Orders made by One of Her Majesty's Principal Secretaries of State in pursuance of this Act shall be binding and conclusive in respect of the Matters to which they refer; and any such Secretary may make Orders as to the Costs of any Appeal to him under this Act, and the Parties by whom such Costs are to be borne; and every such Order may be made a Rule of One of the Superior Courts of Law, on the Application of any Party named therein.

Oxford and Cambridge.

Exception of Oxford and Cambridge.

LXXVII. Notwithstanding anything contained in this Act, the Oxford and Cambridge Commissioners, described in the Thirty-first Section of the Public Health Act, 1848, shall be the Bodies authorized to adopt this Act for the Districts respectively within their Jurisdiction; and in the event of the Adoption of this Act by the said Cambridge Commissioners, the said Commissioners shall be the Local Board for the District of Cambridge; and in the event of such Adoption by the said Oxford Commissioners, the Local Board of the Oxford District shall consist of the Vice-Chancellor of the University of Oxford and the Mayor of Oxford for the Time being, and of Forty-five other Commissioners, Fifteen to be elected by the University of Oxford, Sixteen by the Town Council of Oxford, and Fourteen by the Ratepayers of the Parishes situate within the Jurisdiction of the Oxford Commissioners; and the Election of such Commissioners by the Town Council and by the Ratepayers of the Parishes respectively shall be conducted at the same Time, in the same Way, and subject to the same Regulations in and subject to which Members constituting the Body of Oxford Commissioners are now respectively chosen by such Town Council and Parishes; and the Fifteen Commissioners to be elected by the University shall be elected as follows; namely, Four Commissioners shall be elected by the University in Convocation, and Eleven Commissioners shall be elected by the Heads and Senior Bursars of the several Colleges, and by the Heads of the several Halls; and the Elections shall be conducted by the said University, and by the Colleges and Hall respectively,

respectively, at the same Time and in the same Way and subject to the same Regulations in and subject to which Guardians of the Poor for the University and for the Colleges and Halls are now chosen by them respectively, save that in the Election of Commissioners, the Heads and Bursars of all the Colleges and the Heads of all the Halls shall be summoned by the Vice-Chancellor for that Purpose, and shall be entitled to vote; and Differences between either of the Universities of Oxford and Cambridge and the Local Boards of Oxford and Cambridge respectively within the Meaning of the One hundred and fifth Section of the Public Health Act, 1848, shall be settled by Arbitration in the Manner provided by that Act.

SCHEDULE.

FORM A.

Voting Paper.

At a Meeting held on the Day of at the of , in the County of , it was agreed that the following Resolution should be proposed to the Owners and Ratepayers:—

"That the Local Government Act, 1858, be adopted in the of ."

	In favour of.	Against.	Number of Votes	
			As Owner.	As Ratepayers.
Do you vote, in favour of or against the Adoption of this Resolution?	*J. S.*			

John Smith,
of 19, Fore Street.

N.B.—The Ratepayer will put his Initials under the Heading "in favour" or "against," according as he votes for or against the Resolution. He is also required to subscribe his Name and Address at full Length. If a Voter cannot write, he must make his Mark instead of Initials, but such Mark must be attested by a Witness, and such Witness must write the Initials of the Voter against his Mark. If a Proxy vote, he must add after his Signature the Words, "as Proxy for," with the Name of Corporation or Company for which he is Proxy. This Paper will be collected on the of , between the Hours of and

Take Notice.—"If any Person wilfully commits any of the Acts following, that is to say, fabricates in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of the Public Health Act, 1848, or this Act, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Three Months, with or without Hard Labour." (*Local Government Act*, 1858.)

(Signed by the Summoning Officer.)

FORM

FORM B.

By virtue of the Public Health Act, 1848, the Local Board of Health for the District of do hereby declare and absolutely order that the Inheritance of the [Dwelling House, Shop, Lands, and Premises, *as the Case may be*], situate in Street, in the Parish of within the said District, and now in the Occupation of shall be absolutely charged with the Sum of Pounds, paid by of for the Improvement by Drainage and Water Supply [*as the Case may be*] of the same Dwelling House, Shop, Lands, and Premises [*as the Case may be*], together with Interest for the same from the Date hereof at Pounds per Centum per Annum, until full Payment thereof; and also all Costs incurred by the said his Executors, Administrators, or Assigns, under this Security, shall be fully paid and satisfied: And we hereby further that declare the said Principal and Interest Monies shall be paid and payable by the Owner or Occupier of the said Premises to the said his Executors, Administrators, and Assigns, in manner following; (that is to say,) the Interest on such Principal Sum of Pounds, or on so much thereof as shall from Time to Time remain due and payable under this Order, shall be paid and payable by equal half-yearly Payments whilst payable on the Day of and the Day of in every Year, the First Payment thereof to be made on the Day of next, and such Principal Sum of Pounds shall be paid and payable by equal annual Instalments on the Day of in each of the next succeeding Years, towards the Discharge of the same Principal Sum, until the whole shall be fully satisfied and discharged.

Local Government.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RECOMMITMENT]

To amend the Public Health Act, 1848, and to make further Provision for the Local Government of Towns and populous Districts

(*Prepared and brought in by Mr. C. B. Adderley and Mr. Secretary Walpole.*)

Ordered, by The House of Commons, *to be Printed,*
8 *July* 1858.

[Bill 188.]

Under 6 *oz.*

LORDS AMENDMENTS

TO THE

LOCAL GOVERNMENT BILL.

Note.—*The Page and Line refer to the Bill* (218.) *as first printed by the Lords.*

Page 3.

Line 19. After ("Place") insert ("and all Powers exercised or "Byelaws made under any such Section shall continue in force until the new Powers and Byelaws "authorized by this Act are brought into operation")

Page 6.

Line 11. After ("Place") insert Clause (A.)

Clause (A.) Any Corporation or Body of Commissioners exercising Powers for sanitary Regulations under the Provisions of any Local Act may adopt any Part or Parts of this Act by Resolution of the Council or Commissioners, and such Resolution shall in every Case be passed and forwarded to One of Her Majesty's Principal Secretaries of State, as provided in this Act for the Adoption thereof, and thereupon the Part or Parts of this Act named in such Resolution shall be in force within the District comprised in such Local Act as fully and effectually as if such Part or Parts of this Act had been enacted in such Local Act: Provided always, that when the Parts of this Act thus adopted confer any Power of borrowing Money, such Power shall be exercised subject to the Provisions of this Act with respect to borrowing.

Page 7.

Line 4. After ("Place") insert ("such Twentieth to be One "Twentieth in Number of the Owners and Ratepayers of the Place, taken together, or the Owners "and Ratepayers in respect of One Twentieth of "the rateable Property in the Place")

Page 14.

Line 14. Leave out the First ("or"), and in the same Line after ("City") insert ("or Borough")

Line 16. Leave out (" Overseers of the Poor ") and insert (" Local Authority for the Purposes of " The " Nuisances Removal Act, 1855 ")

Line 7. Leave out (" or ") and after (" City ") insert (" or " Borough ")

Page 17.

Line 12. After (" settled ") insert (" and all the Provisions of " the said last-mentioned Act relating to the Pur- " chase of Lands shall apply to the Payment made " for such Loss or Damage, as if it were a Purchase " under such Act ")

Page 19.

Line 39. After (" Construction ") insert (" or Alteration ")

Line 40. After (" constructed ") insert (" or altered ")

Page 20.

Line 9. After (" Construction ") insert (" Alteration ")

Line 12. After (" interested ") insert (" and on such Terms as " may be mutually agreed upon ")

Page 23.

Line 3. After (" to ") insert (" compel the Consumption of all " Smoke in the Case of all or ")

Line 9. After (" Glass ") insert (" in any District where the " Provisions of the said Act for the Prevention of " Smoke are not now in force, in which the Local " Board shall resolve that any One or more of such " Processes should be exempted from Penalties for " not consuming all Smoke, for any Time specified " in such Resolution, not exceeding Ten Years, " which may be annually renewed for a similar or " any shorter Period, if the Board shall think fit; " and any Justice or Justices before whom any " Person shall be summoned may remit the Penalty " in any Case within such District in which he or " they shall be of opinion that such Person has " adopted the best known Means for preventing any " Nuisance from Smoke, and has carefully attended " to the same, so as to consume as far as possible " the Smoke arising from any Process so exempted, " during such Time as any such Resolution shall " extend to, unless an Order shall be issued by One " of Her Majesty's Principal Secretaries of State, " directing that such Exemption shall no longer be " continued in such District to such Processes or " any of them, after a Time specified in such " Order ")

Line

Lines 25 and 26. Leave out (" shall upon such Adoption ") and insert (" may, at the Option of the said Vestry ")

Line 27. After (" shall ") insert (" thereupon ")

Line 41. Leave out from (" Board ") to (" of") in the same Line and insert (" may, at the Option ")

Page 24.

Line 1. After (" shall ") insert (" thereupon ")

Page 25.

Line 15. After (" by ") insert (" the said Act or"), and in the next Line leave out from (" District ") in Line 16. to (" and ") in Line 18.

Page 37.

Line 32. After (" Weeks ") insert (" in the Month of " November")

Line 40. After (" further ") insert (" in the Month of " December")

Page 39.

Line 12. Leave out from (" Parliament ") to (" all ") in Line 20.

Page 41.

Line 18. At the End of Clause 76. insert Clause (A.)

CLAUSE (A.) Provided always, That in case any Petition shall be presented to either House of Parliament against any Provisional Order framed in pursuance of this Act, in the Progress through Parliament of the Bill confirming the same, the Bill, so far as it relates to the Order so petitioned against, may be referred to a Select Committee, and the Petitioner shall be allowed to appear and oppose as in the Case of Private Bills.

LORDS AMENDMENTS

TO THE

LOCAL GOVERNMENT BILL.

Ordered, by The House of Commons, *to be Printed*,
29 *July* 1858.

[Bill 241.]

Under 1 *oz.*

London Corporation Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites 5 & 6 W. 4. c. 76.

The City to be divided into Wards; Sect. 1.

Secretary of State to appoint Persons to set out the Wards; 2.

Right of voting for Alderman, Common Councilman, or Ward Officer; 3.

Occupiers may claim to be rated; 4.

Compositions not to be disturbed, and Landlord's Liability not to be affected; 5.

Provision as to successive Occupation; 6.

In case of Titles by Descent, &c., how Occupation is to be reckoned; 7.

Ward Clerks to make Lists of Persons entitled to vote in their respective Wards; 8.

Rate Books to be produced; 9.

Provision for Case of Death or Incapacity of Officer, and for the Discharge of Duties of Ward Clerk until the Appointment of such Officer; 10.

Notices by Persons omitted in Ward Lists, and claiming to be put thereon, and by Persons objecting to others as not entitled to be thereon. Lists of Claimants and Persons objected to to be made by the Town Clerk; 11.

Recorder and Common Serjeant, jointly or separately, to hold Courts for Revision of Lists; 12.

Any Person on the List of Voters may object to Claimants; 13.

Application may be made to Court of Queen's Bench for a Mandamus to put a Person on the Ward List; 14.

Power of Court to adjourn, and to administer Declarations, &c. Persons or Person holding Revision Courts to sign Ward Lists; 15.

Lists to be kept by Town Clerk, and be in force from 1st December inclusive for One Year; 16.

Copies of Lists to be sold; 17.

Six Common Councilmen to be elected in each Ward; 18.

Where and before whom periodical Elections of Common Councilmen to take place; 19.

Provision for taking the Poll at such Elections; 20.

No Inquiry of the Voter, except as to his Identity, and whether he has voted before at the same Election. Forms of Questions; 21.

When the Poll is to be declared; 22.

Term of Office of Common Councilmen; 23.

Election of Aldermen and Tenure of Office; 24.

Manner of proceeding if a Person be elected an Alderman or Common Councilman in more than One Ward; 25.

Existing Aldermen and Common Councilmen to go out of Office; 26.

Election of Lord Mayor; 27.

Office of Common Councilman elected Lord Mayor or Alderman to be vacant; 28.

Lord Mayor and Aldermen to be Justices; 29.

Three Auditors to be elected annually; 30.

Provisions as to Ward Elections to apply to Election of Auditors; 31.

Persons vacating Office may be re-elected; 32.

Casual Vacancies; 33.

Lord Mayor to appoint Time and Place of Election where not appointed in the Act; 34.

Who are not qualified to be chosen Lord Mayor, Aldermen, Common Councilmen, or Auditors; 35.

Qualification of Sheriffs; 36.

Lord Mayor, Sheriffs, Aldermen, Common Councilmen, and Auditors not to act until they have made a Declaration of Acceptance of Office, and, where qualified by Estate, of such Qualification; 37.

Person not accepting Office to pay a Fine; 38.

Disqualification of Lord Mayor, Aldermen, and Common Councilmen; 39.

Penalty on Persons acting who are disqualified; 40.

Penalty on Ward Clerks and Town Clerks for Neglect to comply with the Provisions of the Act; 41.

Quorum of Council. Election of Chairman in Absence of Lord Mayor; 42.

Accounts of Receipts and Disbursements to be audited, and published; 43.

Accounts to be transmitted to Secretary of State, and Abstract laid before Parliament; 44.

Power of Sale and Leasing restrained; 45.

Power to renew Leases, &c.; 46.

Leases of certain Buildings, and of Ground for building on, or for making Gardens, &c., may be made for Seventy-five Years; 47.

Common Hall Elections transferred to Common Council; 48.

Court of Aldermen abolished, and their Functions vested in Common Council; 49.

Powers now vested in the Court of Aldermen in respect of Prisons to be exercised by the Aldermen as Magistrates in Sessions; 50.

Powers of Appointment of Recorder and Clerk to Justices vested in Lord Mayor and Aldermen at Sessions; 51.

Exclusive Rights of Trading in the City abolished; 52.

The Right of Metage and the exclusive Right of Porterage abolished; 53.

Enactments respecting the Admission of Brokers by the Court of Aldermen repealed; 54.

Street Tolls abolished; 55.

Restriction on Grant of Markets within Seven Miles of the City repealed; 56.

Jurisdiction of Mayor and Aldermen of the City as Justices for Southwark abolished; 57.

Coroner for the City to cease to act for Southwark; 58.

Office of High Bailiff of Southwark abolished; 59.

Upon there ceasing to be a High Bailiff for the Borough of Southwark, a Returning Officer to be appointed by the Sheriff, and High Bailiff to be appointed for the Southwark County Court; 60.

Upon Petition of Common Council, and a Salary being provided by them, Her Majesty may appoint a Stipendiary Magistrate; 61.

Justices need not be qualified by Estate, and not to act until they have taken the Oaths, except as to Qualification; 62.

Police Courts to be provided; 63.

Salaried Police Magistrate may do Acts authorized to be done by more than One Justice; 64.

Repeal of Enactment constituting Lord Mayor and Aldermen Judges of Central Criminal Court; 65.

Officers to receive Compensation on Removal; to deliver Statement of Claims; 66.

Compensation to be secured by Bond under Common Seal; 67.

Repeal of Acts, Customs, and Charters inconsistent with this Act; 68.

Provision as to Sunday, Good Friday, and Christmas Day, and Fast and Thanksgiving Days; 69.

Interpretation of Terms: "the City" "the Corporation," "the Common Council," "the Lord Mayor;" 70.

SCHEDULES.

A

B I L L

FOR

The better Regulation of the Corporation of the City of London.

WHEREAS the Corporation of the City of London is not subject to the Provisions of the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth (Chapter Seventy-six), "to provide for the Regulation of Municipal "Corporations in England and Wales:" And whereas it is expedient that Provision should be made for the Regulation of the said Corporation, and for the Abolition of such Customs and Privileges of the said City as injuriously affect Trade and Industry: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble. 5 & 6 W. 4. c. 76.

I. The City shall be divided into *Sixteen* Wards; and it shall be lawful for such Person or Persons as may be appointed for this Purpose, as herein provided, to determine and set out, within *Three Months* after the passing of this Act, the Extent, Limits, and Boundary Lines of such Wards, and what Portions of the City shall be included therein respectively; and a Copy of the Particulars of such

The City to be divided into Wards.

Division shall be forthwith transmitted to One of Her Majesty's Principal Secretaries of State, and if Her Majesty, by the Advice of Her Privy Council, approve of such Determination, shall be published in the London Gazette; and the City shall, after such Publication, be deemed to be divided into such Wards so determined and set out, and such Division shall continue and be in force until the same be altered by Authority of Parliament: Provided always, that if Her Majesty, by Advice of Her Privy Council, do not approve such Determination, such Publication as aforesaid shall nevertheless be made and such Division be in force for the Purpose of any Election under the Provisions of this Act, and until such Time as Her Majesty shall, by Advice of Her Privy Council, upon further Information and Report from any such Person or Persons, definitively approve the Division of the City into Wards in manner herein-before mentioned.

Secretary of State to appoint Persons to set out the Wards.

II. One of Her Majesty's Principal Secretaries of State shall, as soon as conveniently may be after the *passing of this Act*, appoint One or more fit Person or Persons to set out the Wards into which the City is by this Act directed to be divided; and such Secretary of State shall, in case Circumstances appear to him so to require, appoint any other fit Person or Persons in the Place of or in addition to any such Person or Persons originally appointed under this Provision; and every Person appointed to set out such Wards shall be paid at a Rate not exceeding the Sum of *Five Guineas* for every Day that he is employed by virtue of such Appointment, and the Amount payable to him in respect of such Employment shall be determined and certified by the Commissioners of Her Majesty's Treasury, and the Amount so certified shall be paid to such Person by the Chamberlain of the City out of any Monies in the Chamber of the City.

Right of voting for Alderman, Common Councilman, or Ward Officer.

III. Every Male Person of full Age, and not subject to any legal Incapacity, who occupies within the City, either solely, or jointly with any other Person or Persons, any House, Warehouse, Counting-house, Office, Chambers for Business, Shop, Wharf, or other Tenement, and is rated in respect of such Premises to the Police Rate for the City as herein-after mentioned, (that is to say,) in the Case of a sole Occupation is so rated in his own Name on a net annual Value of not less than *Ten Pounds* per Annum, and in the Case of a joint Occupation is so rated jointly with the other Occupier or Occupiers on a net annual Value which when divided by the Number of Occupiers will give a Sum of not less than *Ten Pounds* per Annum for each such Occupier, shall, if on the List of Voters for the Ward in which such Premises are situate for the Time being

being in force, be entitled to vote in any Election of an Alderman or Common Councilman or Ward Officer in such Ward, and in any Election of Auditors under this Act; but no Person shall be put on any such List to be made in any Year unless he have occupied such Premises for *Twelve* Months next preceding the *First* Day of *October* in such Year, and have been rated as aforesaid to every such Police Rate made during the Time of such Occupation; and no Person, except as aforesaid, shall be entitled to vote at any such Election.

Occupiers may claim to be rated.

IV. It shall be lawful for any Person occupying within the City any House, Warehouse, Counting-house, Office, Chambers for Business, Shop, Wharf, or other Tenement, to claim to be rated to the said Police Rate in the Rate for the Time being, and in all Rates to be thereafter made in respect of such Premises, whether the Landlord be or be not liable to be rated to the Police Rate in respect thereof; and upon such Occupier so claiming, by Notice in Writing left at the Office of the Town Clerk, and actually paying or tendering at such Office the full Amount of the last-made Rate then payable in respect of such Premises, the Police Committee of the Corporation of London are hereby required to put the Name of such Occupier on the Rate for the Time being, and also, without further Claim, to put his Name upon every subsequent Rate made during the Time such Occupier continues in the Occupation of the same Premises; and in case the said Police Committee neglect or refuse so to do, such Occupier shall nevertheless, for the Purposes of this Act, be deemed to have been rated to the said Police Rate in respect of such Premises from the Period at which the Rate for the Time being in respect of which he so claimed to be rated as aforesaid was made, and thenceforth so long as he continues in the Occupation of the same Premises: provided always, that every Person so claiming as aforesaid who is put on the List of Voters for any Ward in respect of the Premises to which his Claim relates shall in respect of every Police Rate made after such Claim as aforesaid, while he continues to occupy the same Premises, and to be on any such List in respect thereof, be liable to the same Extent and in the same Manner as if his Name had been put on such Rate.

Compositions not to be disturbed, and Landlord's Liability not to be affected.

V. Provided also, That in Cases where, by any Composition with the Landlord, a less Sum is payable than the full Amount of Rate, which, except for such Composition, would be due in respect of the same Premises, the Occupier claiming to be rated shall not be bound to pay or tender more than the Amount then payable under such

Composition: Provided also, that where, by virtue of any Act of Parliament, the Landlord is liable to the Payment of the Police Rate in respect of any Premises occupied by his Tenant, nothing herein contained shall be deemed to vary or discharge the Liability of such Landlord; but in case the Tenant who has been rated for such Premises in consequence of any such Claim as aforesaid make default in the Payment of the Police Rate payable in respect thereof, such Landlord shall be and remain liable for the Payment thereof, in the same Manner as if he alone had been rated in respect of the Premises so occupied by his Tenant.

Provision as to successive Occupation.

VI. The Premises in respect of the Occupation and Rating of which any Person shall be entitled to be put on the List of Voters for any Ward, and to vote as aforesaid, need not be the same Premises, but may be different Premises in the same Ward occupied in immediate Succession during the Period aforesaid.

In case of Titles by Descent, &c., how Occupation is to be reckoned.

VII. Where any House, Warehouse, Counting-house, Office, Chambers for Business, Shop, Wharf, or other Tenement in the City, comes to any Person by Descent, Marriage, Marriage Settlement, Devise, or Promotion to any Benefice or Office, such Person shall be entitled to reckon the Occupancy and Rating in respect of the Occupancy thereof by the Person from or by whom such House, Warehouse, Counting-house, Office, Chambers for Business, Shop, Wharf, or other Tenement so comes to him as his own Occupancy and Rating, conjointly with the Time during which he has since occupied and been rated for the same, and shall, if otherwise qualified as herein provided, be entitled to be put on the List of Voters and to vote as aforesaid in respect of such successive Occupancy and Rating, and the Rating in the Name of the Person previously occupying shall be considered a sufficient Rating of the Successor until a new Rate is made subsequent to such Devolution of Title as aforesaid.

Ward Clerks to make Lists of Persons entitled to vote in their respective Wards.

VIII. Between the *First* and the *Fifth* Days of *October* in every Year, the Ward Clerk of every Ward within the City shall make out and sign an alphabetical List according to the Form No. 1. in the Schedule to this Act of all Persons entitled to be put on the List of Voters of that Year for such Ward, and shall deliver the same to the Town Clerk of the City (herein-after referred to simply as "the Town Clerk") on the *Sixth* or *Seventh* Day of the same Month of *October*, and shall keep a true Copy of such List, and shall permit the same to be perused by any Person, without Payment

Payment of any Fee, at all reasonable Hours between the *Seventh* and *Fifteenth* Days of the same Month of *October*, and the Town Clerk shall forthwith cause Copies to be printed of all Ward Clerks Lists delivered to him, and shall deliver a Copy of any such List to any Person requiring the same, on Payment of a Sum, not exceeding *One Shilling* for each Copy, and shall cause a Copy of all such Lists to be fixed in the Guildhall on every Day between the said *Seventh* and *Fifteenth* Days of the said Month.

Rate Books to be produced.

IX. In order to facilitate the making out and revising of such Ward Lists, every Person having the Custody of any Book containing the Police Rate made during the current or any preceding Year within the City shall, upon being required in Writing under the Hand of the Alderman of any Ward, or of the Lord Mayor, or of the presiding Member of any Court of Revision, produce such Book to and allow the same to be inspected by the Ward Clerk of any Ward, or at such Court.

Provision for Case of Death or Incapacity of Officer, and for the Discharge of Duties of Ward Clerk until the Appointment of such Officer.

X. In case any Officer named in this Act be dead or incapable of acting, all Matters by this Act required to be done by and with regard to such Officer shall be done by and with regard to the Person officiating as or acting for such Officer; and until the Appointment of a Ward Clerk for any Ward the Duties to be performed under this Act by the Ward Clerk shall be performed by such Person or Persons as may be appointed by the Town Clerk to discharge the same, and all the Provisions of this Act shall extend to any Person officiating as or acting for such Officer and to any Person or Persons appointed as aforesaid to discharge the Duties to be performed under this Act by a Ward Clerk in like Manner as to any such Officer or Ward Clerk respectively.

Notices by Persons omitted in Ward Lists, and claiming to be put thereon, and by Persons objecting to others as not entitled to be thereon.

XI. Every Person whose Name has been omitted in any such Ward List made in any Year, and who claims to have his Name inserted therein, shall, on or before the *Fifteenth* Day of *October* in such Year, give Notice thereof to the Town Clerk in Writing according to the Form No. 2. in the said Schedule, or to the like Effect; and every Person whose Name has been inserted in any such Ward List may object to any other Person as not being entitled to have his Name retained in such Ward List; and every Person so objecting shall, on or before the said *Fifteenth* Day of *October*, give to the Town Clerk Notice in Writing of the Objection according to the Form No. 3. in the said Schedule, or to the like Effect; and also give to the Person objected to, or leave at the Premises in respect whereof

whereof his Name appears to be inserted in the said Ward List, Notice in Writing of the Objection according to the Form No. 4. in the said Schedule, or to the like Effect; and the Town Clerk shall include the Names of all Persons so claiming to be inserted in the Ward List in a List according to the Form No. 5. in the said Schedule, and shall include the Names of all Persons so objected to as not entitled to be retained in the Ward List in a List according to the Form No. 6. in the said Schedule, and shall cause Copies of such several Lists of Persons claiming and Persons objected to, to be fixed in the Guildhall during the *Eight* Days next preceding the *First* Day of *November* in the same Year; and the Town Clerk shall likewise keep Copies of such several Lists, and shall permit the same to be perused by any Person, without Payment of any Fee, at all reasonable Hours during such *Eight* Days, Sunday excepted, and shall deliver a Copy of any such List to any Person requiring the same, on Payment of a Sum not exceeding *One Shilling* for each Copy.

Lists of Claimants and Persons objected to to be made by the Town Clerk.

XII. The Recorder and the Common Serjeant, or One of them, shall hold an open Court, or each of them shall (simultaneously or otherwise) hold separate open Courts, within the City, for the Purpose of revising the Lists of Voters for the said Wards, between the *First* and the *Fifteenth* Days of *November* (both inclusive) in every Year, *Three* clear Days Notice of the holding of such Court or of each of such Courts having first been given by a Paper signed by the Town Clerk and fixed on the Guildhall; and the Town Clerk shall at the opening of every such Court produce or cause to be produced every Ward List to be revised thereat, and a Copy of the Lists of the Persons claiming and of the Persons objected to, so made out as aforesaid; and the Ward Clerk and Collectors of Police Rates of every Ward shall attend the Court by which the List of such Ward is to be revised, and shall answer upon solemn Declaration all such Questions as the Court may put to them respectively touching any Matter necessary for revising the List of Voters of such Ward; and the Court by which such List is revised shall insert in such List the Name of every Person omitted who is proved to the Satisfaction of the Court to have given due Notice of his Claim to be inserted in such List, and to be entitled, according to the Provisions of this Act, to be inserted therein, in respect of the Qualification mentioned in such Notice; and where the Name of any Person inserted in such List has been duly objected to, and the Person objecting appears by himself, or by some One on his Behalf, in support of such Objection, and proves that he gave the Notices required by this Act, the Court shall require Proof that the Person so objected to was entitled on the *First* Day of *October* then

Recorder and Common Serjeant, jointly or separately, to hold Courts for Revision of Lists.

then next preceding to have his Name inserted in such List in respect of the Qualification described therein; and in case the same be not proved to the Satisfaction of the Court the Court shall expunge the Name of such Person from the said List; and the Court shall also expunge from the said List the Name of every Person who is proved to the Court to be dead, and shall correct any Mistake or supply any Omission which is proved to the Court to have been made in such List in respect of the Name or Place of Abode of any Person who is included therein, or in respect of the local Description of the Premises in respect whereof he is included in such List; and it shall be in the Discretion of such Court to award such Costs as they think reasonable to be paid by the Party making an unsuccessful Claim or Objection.

Any Person on the List of Voters may object to Claimants.

XIII. Any Person whose Name is on the List of Voters for any Ward may oppose the Claim of any Person omitted as aforesaid to have his Name inserted in such List; and such Person intending to oppose any such Claim shall at the Court to be holden as aforesaid for the Revision of such List, and before the Hearing of the said Claim, give Notice in Writing to the Court of his Intention to oppose the said Claim, and shall thereupon be admitted to oppose the same, by Evidence or otherwise.

Application may be made to Court of Queen's Bench for a Mandamus to put a Person on the Ward List.

XIV. Any Person whose Claim has been rejected or Name expunged at the Revision of any Ward List may apply before the End of the Term then next following to the Court of Queen's Bench, for a Mandamus to the Lord Mayor to insert his Name upon such Ward List; and thereupon such Court shall inquire into the Title of the Applicant to be on such List, and if the Court award such Mandamus the Lord Mayor shall be bound to insert the Name upon the Ward List, and shall add thereunto the Words "By Order of the Court of "Queen's Bench," and shall subscribe his Name to such Words; and upon every such Application the Court shall have Power to make such Order with respect to the Costs as to the Court may seem fit.

Power of Court to adjourn, and to administer Declarations, &c.

XV. Any Court holden under this Act in any Year, for the Revision of any List of Voters shall have Power to adjourn from Time to Time, so that no such adjourned Court be holden after the *Fifteenth* Day of *November* in such Year, and shall have Power to require any Person having the Custody of any Book containing any Police Rate made during that or any preceding Year, and affecting any Ward, to produce the same, and allow the same to be inspected at any Court to be holden for revising the Ward List thereof, and shall have Power to administer a Declaration to the Town Clerk and

to the Ward Clerk, and to all Persons claiming to be inserted in or making Objection to or opposing the Retention or Insertion of any Name in any such List, and to all Persons objected to in any such List, and to all Persons claiming to have any Mistake in any such List corrected, and to all Witnesses who may be tendered or examined on either Side; and the Court shall upon the Hearing determine upon the Validity of the Claims and Objections; and the Persons or Person holding each Court shall in open Court write their or his Initials against any Part of any List in which any Mistake has been corrected, and shall sign their or his Names or Name to every Page of every List so settled.

Persons or Person holding Revision Courts to sign Ward Lists.

Lists to be kept by Town Clerk, and be in force from 1st December inclusive for One Year.

XVI. The Ward Lists, signed as aforesaid, shall be delivered to the Town Clerk, who shall keep the same, and shall cause the said Ward Lists to be printed; and each of such Ward Lists shall be the List of Persons entitled to vote as herein-before mentioned in any Election of an Alderman, Common Councilman, or Ward Officer of the Ward to which it relates, and of Auditors, which may take place between the *First* Day of *December* inclusive in the Year wherein such List has been made and the *First* Day of *December* in the succeeding Year.

Copies of Lists to be sold.

XVII. The Town Clerk shall deliver a printed Copy of any such Ward List to every Person applying for the same, on Payment of a Sum not exceeding *Two Shillings and Sixpence* for such Copy.

Six Common Councilmen to be elected in each Ward.

XVIII. There shall be elected in each Ward of the City on the *Twenty-first Day of December in the Year One thousand eight hundred and fifty-eight*, and in every subsequent Year, *Six* Common Councilmen.

Where and before whom periodical Elections of Common Councilmen to take place.

XIX. On the Day hereby appointed for the Election in any Year of Common Councilmen in any Ward, the Persons entitled to vote in such Election shall meet at such Place as may be appointed from Time to Time in this Behalf by the Lord Mayor (of the Appointment of which Place such public Notice shall be given as the Lord Mayor may direct), then and there to elect such Common Councilmen; and at such Meeting such Person as may be appointed in this Behalf by the Lord Mayor shall preside, and shall at such Meeting declare the Names of the Persons elected such Common Councilmen by the Majority of the Votes at such Meeting.

Provision for taking the Poll at such Elections.

XX. Any Two or more of the Persons entitled to vote in such Election, and present at such Meeting, may then and there demand a Poll; and in such Case the polling shall commence at *Eight* of the Clock

Clock in the Forenoon of the Day next following the Day fixed for the Election, and shall continue during such *One Day* only, and such Poll shall not be kept open later than *Four* of the Clock in the Afternoon of such Polling Day; and the presiding Officer at such Election shall appoint a convenient Number of Clerks to take the Poll, which Clerks shall take the said Poll, and make a Declaration before the presiding Officer truly and indifferently to take the same, and to set down the Name of each Voter, and the Name of the Person or Persons for whom he votes, and to poll no Person who does not answer any Question hereby authorized to be put to him at the Time of tendering his Vote; and it shall be lawful for the presiding Officer at any such Election to appoint such and so many Polling Places as in his Judgment are necessary, giving such public Notice of such Places as such presiding Officer may deem necessary, and to appoint some Person to act as his Deputy at each such Polling Place.

No Inquiry of the Voter, except as to his Identity, and whether he has voted before at the same Election.

XXI. No Inquiry shall be permitted at any such Election as to the Right of any Person to vote, except only as follows; (that is to say,) the presiding Officer or his respective Deputy shall, if required by any Two Persons entitled to vote, put to any Voter at the Time of tendering his Vote, and not afterwards, the following Questions or either of them; (that is to say,)

Forms of Questions.

Are you the Person whose Name appears as *A.B.* on the List of Voters now in force for this Ward, being inserted therein as occupying and rated for Property described to be situated in [*here specify the Street, &c. as described in the List of Voters*]?

Have you already voted at the present Election?

And no Person required to answer either of the said Questions shall be permitted or qualified to vote until he have answered the same; and if any Person wilfully make a false Answer to either of the Questions aforesaid he shall be deemed guilty of a Misdemeanor, and may be indicted and punished accordingly.

When the Poll is to be declared.

XXII. After the Poll is finished, the Poll Books shall be sealed up by the presiding Officer, or his Deputy, (as the Case may require,) and shall within *Two* Days thereafter be publicly opened at the Place of Election, and be duly and truly cast up, and within *Two* Days after such casting up the Numbers of the Votes for each Candidate shall be truly, fairly, and publicly declared to the Electors at the Place of Election by the presiding Officer.

Term of Office of Common Councilmen.

XXIII. The Common Councilmen elected as aforesaid in any Year shall go out of Office on the *Twenty-first Day of December* in the Year next following.

Election of Aldermen and Tenure of Office.

XXIV. On the *Twenty-first Day of December in the Year One thousand eight hundred and fifty-eight*, One Alderman shall be elected in each Ward of the City by the Persons entitled to vote in such Election under this Act, and such Alderman shall be elected at the same Time and Place and in the same Manner as the Common Councilmen to be first elected under this Act in the same Ward; and every Alderman elected as aforesaid, and to be afterwards elected under this Act, shall hold his Office until he die, or resign, or otherwise cease under this Act to hold such Office; and upon every Vacancy in the Office of any such Alderman some other Person shall, with all convenient Speed, be elected in his Place by the Persons entitled to vote as aforesaid: Provided always, that any Alderman may be removed from his Office by the Common Council, upon an Application in Writing, signed by a Majority of the Persons for the Time being entitled to vote under this Act in Ward Elections for the Ward for which such Alderman was elected, showing some Matter or Cause to have arisen subsequently to his Election, which in the Opinion of the Applicants and of the Common Council renders such Alderman unfit to discharge the Duties of his Office.

Manner of proceeding if a Person be elected an Alderman or Common Councilman in more than One Ward.

XXV. If at any Election under this Act any Person be elected an Alderman or Common Councilman in more than One Ward, or be elected an Alderman in One or more Wards and a Common Councilman in any other Ward or Wards, he shall, within *Three* Days after the Declaration of such Election, or if by reason of a Poll the Result of the Election be not declared in every such Ward on the same Day, then within *Three* Days after the Declaration of the Election in the Ward in which the Result of the Election shall be last declared, notify in Writing under his Hand to the Lord Mayor for which of the Wards for which he is so elected he chooses to serve as such Alderman or Common Councilman, and in default of his so doing the Lord Mayor shall in Writing under his Hand declare for which of the said Wards the Person so elected shall serve as such Alderman or Common Councilman, and such Person shall be deemed to be elected such Alderman or Common Councilman for the Ward for which he so notifies his Choice to serve, or for which the Lord Mayor so declares he is to serve, and some other Person or Persons shall forthwith be elected in his Place in the other Ward or Wards for which he was elected.

XXVI. The

Existing Aldermen and Common Councilmen to go out of Office.

XXVI. The Duties and Powers of the Aldermen and Common Councilmen elected at the First Elections for the several Wards of the City under this Act shall commence on the *First Day of January in the Year One thousand eight hundred and fifty-nine*, and on that Day all Aldermen and Common Councilmen of the City, other than such Persons as have been elected such Aldermen and Common Councilmen at such First Elections, shall cease to be such Aldermen and Common Councilmen, and their Duties and Powers shall be determined, but the Lord Mayor shall continue to hold his Office, and to have and exercise all his Duties and Powers as Lord Mayor, until such Time as he would have gone out of Office if this Act had not been passed.

Election of Lord Mayor.

XXVII. In and after the Year *One thousand eight hundred and fifty-nine* the Lord Mayor shall be elected by the Common Council.

Office of Common Councilman elected Lord Mayor or Alderman to be vacant.

XXVIII. If any Common Councilman be elected Lord Mayor or Alderman his Office of Common Councilman shall thereupon become vacant.

Lord Mayor and Aldermen to be Justices.

XXIX. The Lord Mayor shall be a Justice of the Peace of and for the City while he continues Lord Mayor, and for *One Year* after he ceases to be Lord Mayor, unless disqualified as herein provided; and every Alderman elected under this Act shall be a Justice of the Peace of and for the City while he continues Alderman; and every Lord Mayor and Alderman for the Time being shall, as such Justice of the Peace, have and exercise all such Jurisdiction, Powers, and Authorities as are now vested in the Lord Mayor and any such Alderman respectively as such Justice, save as otherwise provided by this Act.

Three Auditors to be elected annually.

XXX. On the *Fifteenth Day of February in the Year One thousand eight hundred and fifty-nine*, and in every succeeding Year, the Persons entitled to vote in such Election under this Act shall elect, by a Majority of Votes, *Three* Auditors, and such Auditors shall continue in Office until the *Fifteenth Day of February* in the Year following their Election: Provided always, that no Person shall vote for more than One Person to be Auditor, and that no Person shall be capable of being elected Auditor who is in the Common Council, or Town Clerk or Chamberlain of the City, and that no Person who is such Auditor shall be capable of being elected a Member of the Common Council.

Provisions as to Ward Elections

XXXI. The Provisions herein-before contained with regard to the Mode of Election of Common Councilmen, and the Appointment

to apply to Election of Auditors.

of the Place of Election, and of a Person to preside at each such Election, and the demanding and taking a Poll, and generally in relation thereto, shall apply to and in the Case of the Election of Auditors, with such Variation as the different Nature of the Election may require.

Persons vacating Office may be re-elected.

XXXII. Any Lord Mayor, Common Councilman, or Auditor, going out of Office, shall, if qualified, be capable of immediate Re-election.

Casual Vacancies.

XXXIII. When any Common Councilman or Auditor elected under this Act ceases, otherwise than by the Expiration by Effluxion of Time of his Term of Office, to be such Common Councilman or Auditor, some other Person shall, with all convenient Speed, be elected in his Place; and every Common Councilman, and Auditor elected to supply any such Vacancy as aforesaid shall go out of Office when the Term of Office of the Common Councilman or Auditor in whose Place he is elected would have expired by Effluxion of Time.

Lord Mayor to appoint Time and Place of Election where not appointed in the Act.

XXXIV. The Lord Mayor shall, in every Case where the Time or Place of any Election directed under this Act is not appointed in this Act, appoint the Time or Place of such Election, and shall cause such public Notice to be given of the Time and Place so appointed as he may deem necessary; and such Election shall be holden, and the Voting and Proceedings thereat shall be conducted, and in case a Poll be demanded as herein-before mentioned such Poll shall be taken on the Day next following, in manner herein provided with respect to the Elections on the Days fixed by this Act.

Who are not qualified to be chosen Lord Mayor, Aldermen, Common Councilmen, or Auditors.

XXXV. No Person, being in Holy Orders, or being the regular Minister of any Dissenting Congregation, shall be elected or be Lord Mayor, or an Alderman, Common Councilman, or Auditor of the City; and no Person shall be elected or be such Lord Mayor, Alderman, Common Councilman, or Auditor, unless he be on the List of Voters for some Ward in the City, and be seised or possessed of Real or Personal Estate, or both, to the Amount of *One thousand Pounds*, or be rated to the Police Rate of the City upon the annual Value of not less than *Thirty Pounds;* and no Person shall be elected or be such Lord Mayor, Alderman, Common Councilman, or Auditor, during such Time as he holds any Office or Place of Profit (other than that of Lord Mayor or Sheriff) in the Gift or Disposal of the Corporation of the City, or during such Time as he or his Partner has directly or indirectly any Share or Interest in any Contract or Employment by, with, or on behalf of the said Corporation:

poration: Provided always, that no Person shall be disqualified from being such Lord Mayor, Alderman, Common Councilman, or Auditor by reason of having or of his Partner's having, directly or indirectly, any Share or Interest in any Lease, Sale, or Purchase of Lands, Tenements, or Hereditaments, or any Agreement for such Lease, Sale, or Purchase, or for the Loan of Money, or in any Security for the Payment of Money only made from, by, to, with, or on behalf of the said Corporation: Provided also, that no Person, being a Shareholder of any Joint Stock Company, shall be disqualified from being Lord Mayor or an Alderman, Common Councilman or Auditor as aforesaid, by reason of any Contract with or Employment of such Company by or on behalf of the said Corporation; but no such Lord Mayor, Alderman, or Common Councilman shall, as a Member of the Common Council, vote upon any Question in which such Company is interested, or vote on or take part in the Discussion of any Matter in which he has, directly or indirectly, by himself or his Partner, any pecuniary Interest; and any Person not disqualified by this Act from being elected such Lord Mayor, Alderman, Common Councilman, or Auditor shall be capable of being so elected.

Qualification of Sheriffs.

XXXVI. Any Alderman or Common Councilman, and any Person who under this Act might be elected to be an Alderman or Common Councilman of the City, shall be capable of being elected to be a Sheriff thereof.

Lord Mayor, Sheriffs, Aldermen, Common Councilmen, and Auditors not to act until they have made a Declaration of Acceptance of Office, and, where qualified by Estate, of such Qualification.

XXXVII. No Person elected Lord Mayor, Sheriff, Alderman, Common Councilman, or Auditor for the City shall be capable of acting as such until he have made and subscribed before Two or more of such Aldermen or Common Councilmen (who are hereby respectively authorized and required to administer the same to each other) a Declaration in the Words or to the Effect following; (that is to say,)

'I *A.B.*, having been elected Lord Mayor [*or* Sheriff, Alderman, Common Councilman, *or* Auditor] for the City of London, do hereby declare, That I take the said Office upon myself, and will duly and faithfully fulfil the Duties thereof, according to the best of my Judgment and Ability [*and in case the Party be qualified by Estate, say*, and I do hereby declare that I am seised or possessed of Real *or* Personal Estate (*or both, as the Case may be,*) to the Amount of *One thousand Pounds* over and above what will satisfy all my Debts].'

Which Declaration shall be sent to and filed in the Town Clerk's Office.

Person not accepting Office to pay a Fine.

XXXVIII. Every Person, duly qualified, who is elected to the Office of Lord Mayor, Sheriff, Alderman, Common Councilman, or Auditor of the City, shall accept such Office or pay to the Corporation such Fine, not exceeding, in the Case of Lord Mayor or Sheriff, *One hundred Pounds*, and in other Cases *Fifty Pounds*, as the Common Council by a Byelaw to be made by them in this Behalf shall direct; and such Fine, if not duly paid, shall be levied by the Warrant of any Justice having Jurisdiction within the City, (who is hereby required, on the Application of the Common Council, to issue the same,) by Distress and Sale of the Goods and Chattels of the Person so refusing to accept Office, with the reasonable Charges of such Distress; and every such Person so elected shall accept such Office by making and subscribing the Declaration herein-before mentioned within *Five* Days after Notice of his Election, otherwise such Person shall be liable to pay the said Fine as for his Non-acceptance of such Office, and such Office shall thereupon be deemed to be vacant, and shall be filled up by a fresh Election to be made in the Manner herein-before mentioned: Provided always, that no Person disabled by Lunacy or Imbecility of Mind, or by Deafness, Blindness, or other permanent Infirmity of Body shall be liable to such Fine as aforesaid; provided also, that every Person so elected to any such Office who is above the Age of *Sixty-five* Years, or who has already served the same Office, or paid the Fine for not accepting such Office, within *Five* Years from the Day on which he is so elected, shall be exempted from accepting or serving the same Office if he claim such Exemption within *Five* Days after Notice of his Election: Provided also, that nothing in this Act contained shall extend to compel the Acceptance of any Office by any Military, Naval, or Marine Officer in Her Majesty's Service on Full Pay, or by any Officer or other Person employed and residing within any of Her Majesty's Dockyards, Victualling Establishments, Arsenals or Barracks.

Disqualification of Lord Mayor, Aldermen, and Common Councilmen.

XXXIX. If any Person holding the Office of Lord Mayor, Alderman, or Common Councilman of the City declare himself or be declared bankrupt or insolvent, or take or apply to take the Benefit of or become subject to any Act for the Relief of Insolvent Debtors, or make any Composition with his Creditors, or altogether absent himself from his Duty for the Period herein-after mentioned, (that is to say,) for *Two* Months consecutively in the Case of the Lord Mayor, or for *Six* Months consecutively in the Case of an Alderman or Common Councilman, unless prevented by Illness or other reasonable Cause, then and in every or any such Case such Person shall thereupon immediately become disqualified, and shall cease to hold the Office of Lord Mayor, Alderman, or Common Councilman, as the

the Case may be, and the Common Council shall thereupon forthwith adjudge the said Office vacant; but any Person becoming disqualified and ceasing to hold such Office by reason of having made any Composition with his Creditors shall, on Payment of his Debts in full, be capable (if otherwise qualified) of being re-elected to such Office; and any Act done by any such Lord Mayor, Alderman, or Common Councilman so becoming disqualified as aforesaid, previously to his Office being adjudged vacant as aforesaid, shall have the same Force and Validity as if such Lord Mayor, Alderman, or Common Councilman had not been disqualified; and any Event or Act which under this Enactment would disqualify any Person from continuing to hold the Office of Lord Mayor, Alderman, or Common Councilman shall disqualify any Person who has held the Office of Lord Mayor, from continuing a Justice of the Peace under this Act after such Event or Act.

Penalty on Persons acting who are disqualified.

XL. Any Person who acts as Lord Mayor, or an Alderman, Common Councilman, or Auditor of the City, without having made the Declaration herein-before required, or without being duly qualified at the Time of making such Declaration, or who so acts after he ceases to be qualified, or after he has become disqualified to hold such Office, or who acts as a Justice of the Peace being disqualified by this Act, or who, being a Shareholder of any Joint Stock Company, votes as a Member of the Common Council upon any Question in which such Company is interested, or who votes on or takes part in the Discussion of any Matter in which he has, directly or indirectly, by himself or his Partner, any pecuniary Interest, shall for every such Offence be liable to a Penalty of *Fifty Pounds*, which may be recovered, with full Costs of Suit, by any Person who may sue for the same, within *Three* Months after the Commission of the Offence, in any of Her Majesty's Superior Courts of Record: Provided always, that all Acts and Proceedings of any Person who is disqualified or is disabled from acting or voting as aforesaid shall, if done previously to the Recovery of such Penalty, be valid and effectual to all Intents and Purposes.

Penalty on Ward Clerks and Town Clerks for Neglect to comply with the Provisions of the Act.

XLI. If any Ward Clerk of any Ward within the City neglect or refuse to make out, sign, and deliver any such List as is herein-before directed to be made out, signed, and delivered by him, or if the Town Clerk neglect or refuse to receive, print, and publish any such List as herein directed, such Ward Clerk or Town Clerk respectively for every such Offence shall forfeit and pay the Sum of *Fifty Pounds*; and any such Penalty may be recovered, with full Costs of Suit, by any Person who will sue for the same, within *Three* Months after the

Commission of such Offence, in any of Her Majesty's Superior Courts of Record.

Quorum of Council.

XLII. All Powers and Duties vested in the Common Council may be exercised and performed at any Meeting of such Council duly convened at which any *Thirty* Members of such Council are present, and it shall not be necessary, in order to the Exercise or Performance of any such Powers or Duties by any such Meeting, for the Lord Mayor or any of the Aldermen to be present thereat; and in the Absence of the Lord Mayor the Members present shall elect one of such Members to preside; and such Council may act notwithstanding any Vacancy therein.

Election of Chairman in Absence of Lord Mayor.

Accounts of Receipts and Disbursements to be kept, audited, and published.

XLIII. The Accounts of the Chamberlain and Bridge Masters shall at all seasonable Times be open to the Inspection of any of the Aldermen or Common Councilmen of the City, and such Accounts, with all Vouchers and Papers relating thereto, shall in the Months of *March* and *September* in every Year, be submitted to the Auditors herein-before directed to be elected, and to such Member of the Common Council as the Lord Mayor shall name, on the *First* Day of *March* in every Year, or, in case of extraordinary Vacancy, within *Ten* Days next after such Vacancy, for the Purpose of being examined and audited, from the *First* Day of *September* in the Year preceding to the *First* Day of *March*, and from the *First* Day of *March* to the *First* Day of *September* in the Year in which the said Auditors were elected and named; and if the said Accounts be found to be correct, the Auditors shall sign the same; and after such Accounts have been so examined and audited in the Month of *September* in every Year, the Chamberlain and Bridge Masters shall respectively make out in Writing, and cause to be printed, a full Abstract of his and their Accounts for the Year, and a Copy thereof shall be open to the Inspection of all the Ratepayers of the City, and Copies thereof shall be delivered to all Ratepayers of the City applying for the same, on Payment of a reasonable Price for each Copy.

Accounts to be transmitted to Secretary of State, and Abstract laid before Parliament.

XLIV. The Common Council shall, before the *First* Day of *March* in every Year, transmit to One of Her Majesty's Principal Secretaries of State a Statement of all Monies received and expended on account of the Corporation within the Year preceding which Statement shall be prepared in such Form and Manner as the Secretary of State shall direct, and such Statement shall be made up to the last preceding Period of Audit, and an Abstract of such Statement under general Heads

Heads shall be laid before both Houses of Parliament during their sitting in the same Year in which such Statement is required to be transmitted as aforesaid.

Power of Sale and Leasing restrained.

XLV. It shall not be lawful for the Common Council to sell, mortgage, or alienate the Lands, Tenements, or Hereditaments of the Corporation, or any Part thereof, except in pursuance of some Covenant or Agreement bonâ fide made or entered into on or before the *Fourth* Day of *February One thousand eight hundred and fifty-eight*, by or on behalf of the Corporation, or of some Resolution duly entered in the Books of the Corporation on or before the said *Fourth* Day of *February*, or to demise or lease, except in pursuance of some Covenant or Agreement bonâ fide made or entered into on or before the said *Fourth* Day of *February*, by or on the Behalf of the Corporation, or in pursuance of some Resolutions duly entered in the Books of the Corporation on or before the said *Fourth* Day of *February*, or, except in the Cases herein-after mentioned, any Lands, Tenements, or Hereditaments of the Corporation or any Part thereof, or to enter into any new Covenant or Agreement (except in the Cases herein-after mentioned) for demising or leasing any such Lands, Tenements, or Hereditaments, or any Part thereof, for any Term exceeding *Thirty-one* Years from the Time when such Lease is made, or, if made in pursuance of a previous Agreement, then from the Time when such Agreement was entered into; and in every Lease which the Common Council are not hereby restrained from making there shall (except in Cases herein-after mentioned) be reserved and made payable during the whole of the Term thereby granted such clear yearly Rent as to the Common Council appears reasonable, without taking any Fine for the same: Provided nevertheless, that in every Case in which the Common Council deem it expedient to demise and lease for a longer Term than *Thirty-one* Years, or upon different Terms and Conditions than those herein-before mentioned, or to sell, exchange, mortgage, charge, or otherwise dispose of any of the said Lands, Tenements, or Hereditaments, it shall be lawful for the Common Council to represent the Circumstances of the Case to the Commissioners of Her Majesty's Treasury; and it shall be lawful for the Common Council, with the Approbation of the said Commissioners, to demise any of the Lands, Tenements, and Hereditaments of the Corporation in such Manner and on such Terms and Conditions as may be approved by the said Commissioners, or to make such Sale, Exchange, Mortgage, Charge, or other Disposition of such Lands, Tenements, or Hereditaments as may be so approved: Provided always, that Notice of the Intention of the Common Council to make

Application as aforesaid shall be fixed on the outer Door of the Guildhall, or in some public and conspicuous Place within the City, *One Month* at least before such Application; and a Copy of the Memorial intended to be sent to the said Commissioners shall be kept in the Town Clerk's Office during such Month, and shall be freely open to the Inspection of every Ratepayer in the City at all reasonable Hours during the same.

Power to renew Leases, &c.

XLVI. Provided always, That in all Cases in which the Corporation shall on the *Fourth* Day of *February One thousand eight hundred and fifty-eight* have been bound or engaged by any Covenant or Agreement, express or implied, or have been enjoined by any Deed, Will, or other Document, or have been sanctioned or warranted by ancient Usage or by Custom or Practice, to make any Renewal of any Lease for Years, or for Life or Lives, or for Years determinable with any Life or Lives at any fixed or determinate or known or accustomed Period, or after the Lapse of any Number of Years, or on the dropping of any Life or Lives, at a Fine certain, or under any special or specific Terms or Conditions, and also in all Cases in which the Corporation shall theretofore have ordinarily made Renewal of any Lease for Years, or for Life or Lives, or for Years determinable with any Life or Lives at any fixed or determinate or known or accustomed Period, or after the Lapse of any Number of Years, or upon the dropping of any Life or Lives, upon the Payment of an arbitrary Fine, it shall be lawful for the Common Council to renew such Lease for such Term or Number of Years, either absolutely or determinable with any Life or Lives, or for such Life or Lives, and at such Rent, and upon the Payment of such Fine or Premium, either certain or arbitrary, and with or without any Covenant for the future Renewal thereof, as the Corporation could or might have done in case this Act had not been passed.

Leases of certain Buildings, and of Ground for building on, or for making Gardens, &c., may be made for Seventy-five Years.

XLVII. Provided nevertheless, That in any of the Instances hereinafter mentioned it shall be lawful for the Common Council from Time to Time to demise and lease, or to enter into any Contract or Agreement for demising and leasing, any of the said Lands, Tenements, or Hereditaments, to any Person, Body Politic, Corporate, or Collegiate, for any Term not exceeding *Seventy-five* Years from the Time of making such Lease or Agreement, and either at a reserved Rent or Fine, or both, (that is to say,)

Of Tenements or Hereditaments the greater Part of the yearly Value of which shall at the Time of making the Lease or Agreement consist of any Building or Buildings:

Of

Of Land or Ground proper for the Erection of any Houses or other Buildings thereupon, with or without Gardens, Yards, Curtilages, or other Appurtenances to be used therewith, and, where the Lessee or intended Lessee shall covenant or agree to erect a Building or Buildings thereon of greater yearly Value than such Land or Ground:

Of Land or Ground proper for Gardens, Yards, Curtilages, or other Appurtenances to be used with any other House or other Building erected or to be erected on any such Ground, belonging either to the Corporation or to any other Proprietor, or proper for any other Purpose calculated to afford Convenience or Accommodation to the Occupiers of any such House or Building.

Common Hall Elections transferredto Common Council.

XLVIII. After the *Thirty-first Day of December One thousand eight hundred and fifty-eight* no Election shall take place at any Meeting or Assembly of the Mayor, Aldermen, and Liverymen of the several Companies of the City in Common Hall assembled; and all Elections for Sheriffs, Chamberlains, and Bridge Masters, and all other Elections which now take place in Common Hall as aforesaid, shall after the said *Thirty-first Day of December One thousand eight hundred and fifty eight* be made by the Common Council.

Court of Aldermen abolished, and their Functions vested in Common Council.

XLIX. From and after the *Thirty-first Day of December One thousand eight hundred and fifty-eight* the Court of Mayor and Aldermen of the City in the Inner Chamber shall be abolished, and all Powers and Duties of such Court shall, save as herein otherwise provided, be vested in the Common Council.

Powers now vested in the Court of Aldermen in respect of Prisons to be exercised by the Aldermen as Magistrates in Sessions.

L. Section Thirteen of the Act of the Fourth Year of King George the Fourth, Chapter Sixty-four, and all other Provisions of the said Act vesting Authorities in respect of Prisons in the Court of Mayor and Aldermen of the City of London, shall be repealed, and all the Powers and Authorities given by the said Act to Justices of the Peace in General or Quarter Sessions assembled in the several Counties, and all other Acts to be done and performed by Justices of the Peace at any Sessions in pursuance of that Act, shall be exercised and performed, so far as regards the Prisons of the City, by the Lord Mayor and Aldermen as Magistrates at the General or Quarter Sessions of the Peace to be holden in and for the City; and all other Powers, Authorities, and Acts vested in or to be done and performed by the said Court of Mayor and Aldermen in relation to Prisons shall be exercised and performed by the Lord Mayor and Aldermen as Magistrates at such General or Quarter Sessions.

Powers of Appointment of Recorder and Clerks to Justices vested in Lord Mayor and Aldermen at Sessions.

LI. All the Powers now vested in the said Court of Mayor and Aldermen in relation to the Appointment of the Recorder of the City, and the Appointment and Removal of the Clerks to the Justices of the City, shall be vested in and exercised by the Lord Mayor and Aldermen as Magistrates at such General or Quarter Sessions as aforesaid.

Exclusive Rights of Trading in the City abolished.

LII. Any Person whosoever may keep any Shop for the Sale of Wares and Merchandises, by Wholesale or Retail, and use every lawful Trade, Occupation, Mystery, and Handicraft, for Hire, Gain, Sale, or otherwise, in the City, whether he be or be not free of the City.

The Right of Metage and the exclusive Right of Porterage abolished.

LIII. All such Right of Metage of any Grain, Fruit, Wares, or Merchandise as the Corporation is entitled to by Custom, Charter, or otherwise, and all exclusive Right of Porterage of any Grain, Fruit, Wares, or Merchandise, which any Porters of the City have or claim under any such Custom or Charter or otherwise, shall cease after the *Thirty-first Day of December One thousand eight hundred and fifty-eight.*

Enactments respecting the Admission of Brokers by the Court of Aldermen repealed.

LIV. So much of the Act of the Sixth Year of Queen Anne, Chapter Sixteen, and of the Act of the Fifty-seventh Year of King George the Third (Local and Personal), Chapter Sixty, or of any other Act or Acts of Parliament, as prohibits Persons from acting as Brokers within the City without being admitted so to do by the said Court of Mayor and Aldermen, or as makes any annual or other Sum payable to the Chamberlain of the City, or to the Use of the Corporation, by Persons acting as Brokers in the City, shall be repealed, and all Bonds and other Securities which have been taken for securing Payment of such annual or other Sums shall be void.

Street Tolls abolished.

LV. No Tolls shall hereafter be payable to or to the Use of the Corporation on any Carts, Waggons, or other Carriages laden or otherwise, entering or leaving the City, or passing through or over the Streets or Ways of the City.

Restriction on Grant of Markets within Seven Miles of the City repealed.

LVI. So much of any Charter of or Grant to the City as prevents or interferes with the Grant by the Crown of any Market to be holden within Seven Miles of the City shall be repealed: Provided always, that this Enactment shall not affect any Provision of "The "Metropolitan Market Act, 1857."

LVII. All

Jurisdiction of Mayor and Aldermen of the City as Justices for Southwark abolished.

LVII. All Jurisdiction, Power, and Authority of the Corporation or Common Council of the City over the Borough of Southwark or any Part thereof, and all Jurisdiction, Power, and Authority of the Mayor, or any of the Aldermen of the City, as Justices of the Peace in or for the Borough of Southwark or any Part thereof, shall cease from and after the *Thirty-first* Day of *December One thousand eight hundred and fifty-eight*, and the Justices of the Peace for the County of Surrey shall have the like Jurisdiction, Power, and Authority within and for the Borough of Southwark as within and for other Parts of the said County within the Metropolitan Police District.

Coroner for the City to cease to act for Southwark.

LVIII. From and after the *Thirty-first* Day of *December One thousand eight hundred and fifty-eight*, no Coroner for the City, or other Coroner elected by the Common Council, shall take any Inquisition which belongs to the Office of Coroner within the Borough of Southwark, but the same shall be within the Jurisdiction of the Coroner for the County of Surrey as other Parts of the same County: Provided nevertheless, that this Enactment shall not take effect so long as the Person who holds the Office of Coroner for the City of London at the Time of the passing of this Act continues to be such Coroner.

Office of High Bailiff of Southwark abolished.

LIX. The Office of High Bailiff of the Borough of Southwark shall be abolished from and after the Time when the Person who now holds such Office shall cease to hold the same, but such Person shall not be deemed to cease to hold such Office so long as he continues to be re-elected thereto.

Upon there ceasing to be a High Bailiff for the Borough of Southwark, a Returning Officer to be appointed by the Sheriff, and High Bailiff to be appointed for the Southwark County Court.

LX. When there ceases to be a High Bailiff for the said Borough, the Sheriff of the County of Surrey shall forthwith and from Time to Time thereafter appoint a Person to be Returning Officer at Elections of Members to serve in Parliament for such Borough, as in Cases of those Boroughs in which Sheriffs are by Law required to appoint such Returning Officers; and the Judge of the Court holden for Southwark under the Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter Ninety-five, shall from Time to Time appoint, by Order of Court, One or more High Bailiffs for such Court, and may, in case of Inability or Misbehaviour, by like Order remove any such Bailiffs.

Upon Petition of Common Council, and a Salary being provided by them, Her

LXI. If the Common Council think it requisite that a salaried Police Magistrate or Magistrates should be appointed within the City, they are hereby empowered, by any Act to be made for that Purpose, to fix the Amount of the Salary which such Magistrate or Magistrates is or are to receive, and upon such Act, together with a Petition

Majesty may appoint a Stipendiary Magistrate.

a Petition to Her Majesty from the Common Council for the Appointment of such Magistrate or Magistrates, being transmitted to One of Her Majesty's Principal Secretaries of State, it shall be lawful for Her Majesty, if She think fit, to appoint One or more fit Person or Persons, according to the Number fixed in the said Act of the Common Council, who, or each of whom has practised as a Barrister during at least Seven Years then last past, or has practised as a Barrister for Four Years then last past, having previously practised as a Certificated Special Pleader for Three Years below the Bar, to be, during Her Majesty's Pleasure, a Police Magistrate or Magistrates, and a Justice or Justices of the Peace for the City, and to direct that such Sum shall be paid quarterly by the Chamberlain of the City as will be sufficient to pay such yearly Salary to each of the Justices so appointed as last aforesaid, not exceeding in the whole the Salary mentioned in the said Act and in the Prayer of such Petition, clear of all Fees and Deductions, as to Her Majesty shall seem fit, and the Chamberlain of the City shall thereupon pay to each Justice so appointed as last aforesaid, out of any Monies in the Chamber of the City, the Salary so directed to be paid by Four equal quarterly Payments, and in the same Proportion up to the Time of the Death of such Justice or his ceasing to act under such Appointment as aforesaid: Provided, that in every Case of Vacancy of the Office of every such Police Magistrate, no new Appointment of Police Magistrate shall be made until the Common Council again make Application in that Behalf, as in the Case of the First Appointment of such Police Magistrate as aforesaid.

Justices need not be qualified by Estate, and not to act until they have taken the Oaths, except as to Qualification

LXII. Every Person appointed a Justice of the Peace for the City as aforesaid shall be capable of being and acting as such Justice although he may not have the Qualification by Estate required of Justices of the Peace; but no Person appointed such Justice of the Peace as aforesaid, shall act until he have taken the Oaths required to be taken by Justices of the Peace, except the Oath as to Qualification, and has also made before the Lord Mayor, or Two or more of the Aldermen or Common Councilmen of the City (who is and are respectively hereby authorized and required to administer the same), a Declaration in the following Form; (that is to say,)

'I A.B. do hereby declare, That I will faithfully and impartially execute the Office of a Magistrate and Justice of the Peace for the City of London, according to the best of my Judgment and Ability.'

Police Courts to be provided.

LXIII. The Common Council shall, in case a salaried Magistrate or Magistrates be appointed for the City under this Act, cause to

to be provided and kept up a proper Police Court or Courts for the sitting of such Magistrate or Magistrates.

Salaried Police Magistrate may do Acts authorized to be done by more than One Justice.

LXIV. It shall be lawful for every salaried Police Magistrate appointed under this Act, and sitting at a Police Court in the City, provided under this Act, to do alone any Act which by any Law now in force, or by any Law not containing an express Enactment to the contrary hereafter to be made, may be done by more than One Justice.

Repeal of Enactment constituting Lord Mayor and Aldermen Judges of Central Criminal Court.

LXV. The Act of the Session holden in the Fourth and Fifth Years of King William the Fourth, Chapter Thirty-six, so far as the same enacts that the Lord Mayor for the Time being of the City of London and the Aldermen of the City of London shall be the Judges of the Central Criminal Court, shall be repealed, and the said Act, and all Acts amending the same or having Reference thereto, shall be construed as if the said Lord Mayor and Aldermen had not been enumerated among the Persons who should be Judges of the said Court.

Officers to receive Compensation on Removal;

LXVI. Every Officer of the City in any Office of Profit at the Time of the passing of this Act, whose Office is abolished, or who is removed from his Office under the Provisions of this Act, shall be entitled to have an adequate Compensation, to be assessed by the Common Council, and paid out of the Revenues of the Corporation, for the Salary, Fees, and Emoluments of the Office which he so ceases to hold, Regard being had to the Manner of his Appointment to the said Office, and his Term or Interest therein, and all other Circumstances of the Case; and every Person entitled to such Compensation as aforesaid shall deliver to the Town Clerk, or in case such Person be himself Town Clerk then to the Chamberlain of the City, a Statement under the Hand of such Person setting forth the Amount received by him or his Predecessors in every Year during the Period of *Five* Years next before the passing of this Act on account of the Salary, Fees, Emoluments, Profits, and Perquisites in respect whereof he claims such Compensation, distinguishing the Office, Place, Situation, Employment, or Appointment in respect whereof the same have been received, and containing a Declaration that the same is a true Statement according to the best of the Knowledge, Information, and Belief of such Person, and also setting forth the Sum claimed by him as such Compensation; and the Town Clerk or Chamberlain, as the Case shall be, shall lay such Statement before the Common Council, who shall take the same into consideration, and determine thereon; and immediately upon such Determination being made the Person preferring such Claim, if he be not himself the Town Clerk, shall be informed thereof by Notice in

to deliver Statement of Claims.

Writing under the Hand of the Town Clerk; and in case such Claim be admitted in part and disallowed in part, such Notice shall specify the Particulars in which the same has been admitted and disallowed respectively; and in case the Person preferring such Claim think himself aggrieved by the Determination of the Common Council thereon, or in case *One Third* of the Members of the Common Council subscribe a Protest against the Amount of Compensation allowed by the Determination of the Common Council as excessive, it shall be lawful for the Person preferring such Claim, or any Member of the Common Council who subscribes such Protest, to appeal to the Commissioners of Her Majesty's Treasury, who shall thereupon make such Order, under their Hands, as to them shall seem just; and such Order shall be binding on all Parties: Provided always, that if the Common Council do not determine on such Claim within *Six* Months after the aforesaid Statement is delivered to the Town Clerk or Chamberlain, as the Case shall be, such Claim shall be considered as admitted: Provided also, that it shall not be lawful for any Member of the Common Council to subscribe such Protest as aforesaid except within such Period of *Six* Months: Provided also, that the Person preferring such Claim, if any Member of the Common Council so require, upon receiving Notice in Writing signed by the Town Clerk, unless such Person be himself Town Clerk, in which Case no such Notice shall be requisite, shall from Time to Time attend at any Meeting or adjourned Meeting of the Common Council for the Investigation of such Claim, and then and there, upon his Oath or solemn Affirmation, to be taken or made before the Lord Mayor (who is hereby authorized to administer the same), shall answer all such Questions as shall be asked by any Member of the Common Council touching the Matters set forth in the Statement subscribed by such Person as aforesaid, and produce all Books, Papers, and Writings in his Possession, Custody, or Power relating thereto.

Compensation to be secured by Bond under Common Seal.

LXVII. The Sum payable to any Person as such Compensation as aforesaid shall be secured to such Person by Bond or Obligation under the Common Seal of the Corporation in a sufficient Penalty conditioned for the Payment to such Person, his Executors Administrators or Assigns, of such Sum, with all Arrears thereof (if any) accrued due before the Date of such Bond; and such Bond or Obligation shall be prepared and executed at the Expense of the Corporation, and delivered to the Person entitled to such Compensation as soon as conveniently may be after the Amount thereof has been admitted as aforesaid by the Common Council, or has been determined, in the event of such Appeal as aforesaid, by the Order of the said Commissioners.

LXVIII. So

Repeal of Acts, Customs, and Charters inconsistent with this Act.

LXVIII. So much of all Laws, Statutes, Customs, and Usages, and so much of all Royal and other Charters, Grants, and Letters Patent, now in force relating to the City or the Corporation thereof, or any Member or Officers of such Corporation, or to the Citizens, Liverymen, Freemen, or Inhabitants of the City, as are contrary to or inconsistent with the Provisions of this Act, shall be repealed and annulled.

Provision as to Sunday, Good Friday, and Christmas Day, and Fast and Thanksgiving Days.

LXIX. When the Day on which any Meeting or Act is by this Act appointed to be holden or done happens to be Sunday, Good Friday, or Christmas Day, or a Day appointed by Royal Proclamation as a Day of Solemn Fast or a Day of Thanksgiving, the same shall be holden or done on the Day next following which does not happen to be one of the Days aforesaid.

Interpretation of Terms: "the City," "the Corporation," "the Common Council," "Lord Mayor."

LXX. For the Purposes of this Act, the whole Space within the exterior Boundaries of the Liberties of the City of London (except the Inner Temple and Middle Temple) shall be deemed Parts of the City of London, and shall be Parts of Wards to be formed under this Act; and in the Construction of this Act "the City" shall mean the City of London, and "the Corporation" shall mean the Mayor and Commonalty and Citizens of the City of London, and "the Common Council" shall mean the Mayor, Aldermen, and Commons of the City of London in Common Council assembled, and "the Lord Mayor" shall mean the Lord Mayor of the City of London.

The SCHEDULE to which the foregoing Act refers.

No. 1.

The LIST of VOTERS of the Ward of in the City of London.

Christian Name and Surname of each Voter at full Length.	Nature of the Property rated.	Street, Lane, or other Place in the Ward where the Property is situated.

(Signed) *A.B.*, Ward Clerk of the Ward of .

No. 2.

NOTICE of CLAIM.

To the Town Clerk of the City of London.

I hereby give you Notice, That I claim to have my Name inserted in the Voter's List of the Ward of , and that I occupy [*here describe the House, Warehouse, Counting-house, Office, Chambers for Business, Shop, Wharf, or other Tenement occupied by the Claimant,*] in the Ward, and that I have been rated, or have duly claimed to be rated, in the Ward of [*here state the Time during which the Claimant has been rated, or has claimed to be rated, within the Ward necessary for his Qualification*].

Dated the Day of in the Year .

(Signed) *A.B.* of [*Place of Abode*].

No. 3.

No. 3.

NOTICE of OBJECTION.

To the Town Clerk of the City of London.

I hereby give you Notice, That I object to the Name of in the Ward of

[*describe the Person objected to as described in the Voters List*] being retained on the Voters List of the Ward of

Dated the Day of in the Year .

(Signed) *A.B.*

[*Here state the Situation of the Property for which in the Voters List he is said to be rated.*]

No. 4.

FORM of NOTICE of OBJECTION to be given to the Person objected to.

To Mr. .

I hereby give you Notice, That I object to your Name being retained on the Voters List of the Ward of

Dated the Day of in the Year .

(Signed) *A.B.*

[*Here state the Situation of the Property for which in the Voters List he is said to be rated.*]

No. 5.

LIST of CLAIMANTS.

The following Persons claim to have their Names inserted on the Voters List of the Ward of in the City of London.

Christian Name and Surname of each Claimant.	Nature of the Property in respect of which the Claim is made.	Situation of the Property.

(Signed) *A.B.*, Town Clerk.

No. 6.

No. 6.

LIST of PERSONS objected to.

The following Persons have been objected to as not being entitled to have their Names retained on the Voters List of the Ward of in the City of London.

Christian Name of each Person objected to.	Nature of the Property for which the Person objected to is said to be rated in the Ward List.	Situation of the Property.

(Signed) *A.B.*, Town Clerk.

London Corporation.

A

B I L L

For the better Regulation of the Corporation of the City of London.

(Prepared and brought in by Sir George Grey, Viscount Palmerston, and Mr. Massey.)

Ordered, by The House of Commons, *to be Printed, 4 February* 1858.

[Bill 8.]

Under 4 oz.

London Corporation Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preamble recites 5 & 6 W. 4. c. 76.

The City to be divided into Wards; Sect. 1.

Secretary of State to appoint Persons to set out the Wards; 2.

Right of voting for Alderman, Common Councilman, or Ward Officer; 3.

Occupiers may claim to be rated; 4.

Compositions not to be disturbed, and Landlord's Liability not to be affected; 5.

Provision as to successive Occupation; 6.

In case of Titles by Descent, &c., how Occupation is to be reckoned; 7.

Ward Clerks to make Lists of Persons entitled to vote in their respective Wards; 8.

Rate Books to be produced; 9.

Provision for Case of Death or Incapacity of Officer, and for the Discharge of Duties of Ward Clerk until the Appointment of such Officer; 10.

Notices by Persons omitted in Ward Lists, and claiming to be put thereon, and by Persons objecting to others as not entitled to be thereon. Lists of Claimants and Persons objected to, to be made by the Town Clerk; 11.

Recorder and Common Serjeant, jointly or separately, to hold Courts for Revision of Lists; 12.

Any Person on the List of Voters may object to Claimants; 13.

Application may be made to Court of Queen's Bench for a Mandamus to put a Person on the Ward List; 14.

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Schedule.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

The better Regulation of the Corporation of the City of London.

[Note.—*Clauses marked* A. *to* U. *were added by the Select Committee.*]

WHEREAS the Corporation of the City of London is not subject to the Provisions of the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth (Chapter Seventy-six), "to provide for the Regulation of Municipal "Corporations in England and Wales:" And whereas it is expedient that Provision should be made for the Regulation of the said Corporation, and for the Abolition of such Customs and Privileges of the said City as injuriously affect Trade and Industry: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.
5 & 6 W. 4. c. 76.

I. The City shall be divided into Sixteen Wards; and it shall be lawful for such Person or Persons as may be appointed for this Purpose, as herein provided, to determine and set out, within Three Months after the passing of this Act, the Extent, Limits, and Boundary Lines of such Wards, and what Portions of the City shall be included therein respectively; and a Copy of the Particulars of such

The City to be divided into Wards.

Division shall be forthwith transmitted to One of Her Majesty's Principal Secretaries of State, and if Her Majesty, by the Advice of Her Privy Council, approve of such Determination, shall be published in the London Gazette; and the City shall, after such Publication, be deemed to be divided into such Wards so determined and set out, and such Division shall continue and be in force until the same be altered by Authority of Parliament: Provided always, that if Her Majesty, by Advice of Her Privy Council, do not approve such Determination, such Publication as aforesaid shall nevertheless be made and such Division be in force for the Purpose of any Election under the Provisions of this Act, and until such Time as Her Majesty shall, by Advice of Her Privy Council, upon further Information and Report from any such Person or Persons, definitively approve the Division of the City into Wards in manner herein-before mentioned.

Secretary of State to appoint Persons to set out the Wards.

II. One of Her Majesty's Principal Secretaries of State shall, as soon as conveniently may be after the passing of this Act, appoint One or more fit Person or Persons to set out the Wards into which the City is by this Act directed to be divided; and such Secretary of State shall, in case Circumstances appear to him so to require, appoint any other fit Person or Persons in the Place of or in addition to any such Person or Persons originally appointed under this Provision; and every Person appointed to set out such Wards shall be paid at a Rate not exceeding the Sum of Five Guineas for every Day that he is employed by virtue of such Appointment, and the Amount payable to him in respect of such Employment shall be determined and certified by the Commissioners of Her Majesty's Treasury, and the Amount so certified shall be paid to such Person by the Chamberlain of the City out of any Monies in the Chamber of the City.

Right of voting for Alderman, Common Councilman, or Ward Officer.

III. Every Male Person of full Age, and not subject to any legal Incapacity, who occupies within the City, either solely, or jointly with any other Person or Persons, any House, Warehouse, Counting-house, Office, Chambers for Business, Shop, Wharf, or other Tenement, and is rated in respect of such Premises to the Police Rate for the City as herein-after mentioned, (that is to say,) in the Case of a sole Occupation is so rated in his own Name on a net annual Value of not less than Ten Pounds per Annum, and in the Case of a joint Occupation is so rated jointly with the other Occupier or Occupiers on a net annual Value which when divided by the Number of Occupiers will give a Sum of not less than Ten Pounds per Annum for each such Occupier, shall, if on the List of Voters for the Ward in which such Premises are situate for the Time being

being in force, be entitled to vote in any Election of an Alderman or Common Councilman or Ward Officer in such Ward, and in any Election of Auditors under this Act; but no Person shall be put on any such List to be made in any Year unless he have occupied such Premises for Twelve Months next preceding the First Day of October in such Year, and have been rated as aforesaid to every such Police Rate made during the Time of such Occupation; and no Person, except as aforesaid, shall be entitled to vote at any such Election.

Occupiers may claim to be rated.

IV. It shall be lawful for any Person occupying within the City any House, Warehouse, Counting-house, Office, Chambers for Business, Shop, Wharf, or other Tenement, to claim to be rated to the said Police Rate in the Rate for the Time being, and in all Rates to be thereafter made in respect of such Premises, whether the Landlord be or be not liable to be rated to the Police Rate in respect thereof; and upon such Occupier so claiming, by Notice in Writing left at the Office of the Town Clerk, and actually paying or tendering at such Office the full Amount of the last-made Rate then payable in respect of such Premises, the Police Committee of the Corporation of London are hereby required to put the Name of such Occupier on the Rate for the Time being, and also, without further Claim, to put his Name upon every subsequent Rate made during the Time such Occupier continues in the Occupation of the same Premises; and in case the said Police Committee neglect or refuse so to do, such Occupier shall nevertheless, for the Purposes of this Act, be deemed to have been rated to the said Police Rate in respect of such Premises from the Period at which the Rate for the Time being in respect of which he so claimed to be rated as aforesaid was made, and thenceforth so long as he continues in the Occupation of the same Premises: Provided always, that every Person so claiming as aforesaid who is put on the List of Voters for any Ward in respect of the Premises to which his Claim relates shall in respect of every Police Rate made after such Claim as aforesaid, while he continues to occupy the same Premises, and to be on any such List in respect thereof, be liable to the same Extent and in the same Manner as if his Name had been put on such Rate.

Compositions not to be disturbed, and Landlord's Liability not to be affected.

V. Provided also, That in Cases where, by any Composition with the Landlord, a less Sum is payable than the full Amount of Rate, which, except for such Composition, would be due in respect of the same Premises, the Occupier claiming to be rated shall not be bound to pay or tender more than the Amount then payable under such

Composition: Provided also, that where, by virtue of any Act of Parliament, the Landlord is liable to the Payment of the Police Rate in respect of any Premises occupied by his Tenant, nothing herein contained shall be deemed to vary or discharge the Liability of such Landlord; but in case the Tenant who has been rated for such Premises in consequence of any such Claim as aforesaid make default in the Payment of the Police Rate payable in respect thereof, such Landlord shall be and remain liable for the Payment thereof, in the same Manner as if he alone had been rated in respect of the Premises so occupied by his Tenant.

Provision as to successive Occupation.

VI. The Premises in respect of the Occupation and Rating of which any Person shall be entitled to be put on the List of Voters for any Ward, and to vote as aforesaid, need not be the same Premises, but may be different Premises in the same Ward occupied in immediate Succession during the Period aforesaid.

In case of Titles by Descent, &c., how Occupation is to be reckoned.

VII. Where any House, Warehouse, Counting-house, Office, Chambers for Business, Shop, Wharf, or other Tenement in the City, comes to any Person by Descent, Marriage, Marriage Settlement, Devise, or Promotion to any Benefice or Office, such Person shall be entitled to reckon the Occupancy and Rating in respect of the Occupancy thereof by the Person from or by whom such House, Warehouse, Counting-house, Office, Chambers for Business, Shop, Wharf, or other Tenement so comes to him as his own Occupancy and Rating, conjointly with the Time during which he has since occupied and been rated for the same, and shall, if otherwise qualified as herein provided, be entitled to be put on the List of Voters and to vote as aforesaid in respect of such successive Occupancy and Rating, and the Rating in the Name of the Person previously occupying shall be considered a sufficient Rating of the Successor until a new Rate is made subsequent to such Devolution of Title as aforesaid.

Ward Clerks to make Lists of Persons entitled to vote in their respective Wards.

VIII. Between the First and the Fifth Days of October in every Year, the Ward Clerk of every Ward within the City shall make out and sign an alphabetical List according to the Form No. 1. in the Schedule to this Act of all Persons entitled to be put on the List of Voters of that Year for such Ward, and shall deliver the same to the Town Clerk of the City (herein-after referred to simply as "the Town Clerk") on the Sixth or Seventh Day of the same Month of October, and shall keep a true Copy of such List, and shall permit the same to be perused by any Person, without Payment

Payment of any Fee, at all reasonable Hours between the Seventh and Fifteenth Days of the same Month of October, and the Town Clerk shall forthwith cause Copies to be printed of all Ward Clerks Lists delivered to him, and shall deliver a Copy of any such List to any Person requiring the same, on Payment of a Sum, not exceeding One Shilling for each Copy, and shall cause a Copy of all such Lists to be fixed in the Guildhall on every Day between the said Seventh and Fifteenth Days of the said Month.

Rate Books to be produced.

IX. In order to facilitate the making out and revising of such Ward Lists, every Person having the Custody of any Book containing the Police Rate made during the current or any preceding Year within the City shall, upon being required in Writing under the Hand of the Alderman of any Ward, or of the Lord Mayor, or of the presiding Member of any Court of Revision, produce such Book to and allow the same to be inspected by the Ward Clerk of any Ward, or at such Court.

Provision for Case of Death or Incapacity of Officer, and for the Discharge of Duties of Ward Clerk until the Appointment of such Officer.

X. In case any Officer named in this Act be dead or incapable of acting, all Matters by this Act required to be done by and with regard to such Officer shall be done by and with regard to the Person officiating as or acting for such Officer; and until the Appointment of a Ward Clerk for any Ward the Duties to be performed under this Act by the Ward Clerk shall be performed by such Person or Persons as may be appointed by the Town Clerk to discharge the same, and all the Provisions of this Act shall extend to any Person officiating as or acting for such Officer and to any Person or Persons appointed as aforesaid to discharge the Duties to be performed under this Act by a Ward Clerk in like Manner as to any such Officer or Ward Clerk respectively.

Notices by Persons omitted in Ward Lists, and claiming to be put thereon, and by Persons objecting to others as not entitled to be thereon.

XI. Every Person whose Name has been omitted in any such Ward List made in any Year; and who claims to have his Name inserted therein, shall, on or before the Fifteenth Day of October in such Year, give Notice thereof to the Town Clerk in Writing according to the Form No. 2. in the said Schedule, or to the like Effect; and every Person whose Name has been inserted in any such Ward List may object to any other Person as not being entitled to have his Name retained in such Ward List; and every Person so objecting shall, on or before the said Fifteenth Day of October, give to the Town Clerk Notice in Writing of the Objection according to the Form No. 3. in the said Schedule, or to the like Effect; and also give to the Person objected to, or leave at the Premises in respect

whereof his Name appears to be inserted in the said Ward List, Notice in Writing of the Objection according to the Form No. 4. in the said Schedule, or to the like Effect; and the Town Clerk shall include the Names of all Persons so claiming to be inserted in the Ward List in a List according to the Form No. 5. in the said Schedule, and shall include the Names of all Persons so objected to as not entitled to be retained in the Ward List in a List according to the Form No. 6. in the said Schedule, and shall cause Copies of such several Lists of Persons claiming and Persons objected to, to be fixed in the Guildhall during the Eight Days next preceding the First Day of November in the same Year; and the Town Clerk shall likewise keep Copies of such several Lists, and shall permit the same to be perused by any Person, without Payment of any Fee, at all reasonable Hours during such Eight Days, Sunday excepted, and shall deliver a Copy of any such List to any Person requiring the same, on Payment of a Sum not exceeding One Shilling for each Copy.

Lists of Claimants and Persons objected to, to be made by the Town Clerk.

XII. The Recorder and the Common Serjeant, or One of them, shall hold an open Court, or each of them shall (simultaneously or otherwise) hold separate open Courts, within the City, for the Purpose of revising the Lists of Voters for the said Wards, between the First and the Fifteenth Days of November (both inclusive) in every Year, Three clear Days Notice of the holding of such Court or of each of such Courts having first been given by a Paper signed by the Town Clerk and fixed on the Guildhall; and the Town Clerk shall at the opening of every such Court produce or cause to be produced every Ward List to be revised thereat, and a Copy of the Lists of the Persons claiming and of the Persons objected to, so made out as aforesaid; and the Ward Clerk and Collectors of Police Rates of every Ward shall attend the Court by which the List of such Ward is to be revised, and shall answer upon solemn Declaration all such Questions as the Court may put to them respectively touching any Matter necessary for revising the List of Voters of such Ward; and the Court by which such List is revised shall insert in such List the Name of every Person omitted who is proved to the Satisfaction of the Court to have given due Notice of his Claim to be inserted in such List, and to be entitled, according to the Provisions of this Act, to be inserted therein, in respect of the Qualification mentioned in such Notice; and where the Name of any Person inserted in such List has been duly objected to, and the Person objecting appears by himself, or by some one on his Behalf, in support of such Objection, and proves that he gave the Notices required by this Act, the Court shall require Proof that the Person so objected to was entitled on the First Day of October then

Recorder and Common Serjeant, jointly or separately, to hold Courts for Revision of Lists.

then next preceding to have his Name inserted in such List in respect of the Qualification described therein; and in case the same be not proved to the Satisfaction of the Court, the Court shall expunge the Name of such Person from the said List; and the Court shall also expunge from the said List the Name of every Person who is proved to the Court to be dead, and shall correct any Mistake or supply any Omission which is proved to the Court to have been made in such List in respect of the Name or Place of Abode of any Person who is included therein, or in respect of the local Description of the Premises in respect whereof he is included in such List; and it shall be in the Discretion of such Court to award such Costs as they think reasonable to be paid by the Party making an unsuccessful Claim or Objection.

Any Person on the List of Voters may object to Claimants.

XIII. Any Person whose Name is on the List of Voters for any Ward may oppose the Claim of any Person omitted as aforesaid to have his Name inserted in such List; and such Person intending to oppose any such Claim shall at the Court to be holden as aforesaid for the Revision of such List, and before the Hearing of the said Claim, give Notice in Writing to the Court of his Intention to oppose the said Claim, and shall thereupon be admitted to oppose the same, by Evidence or otherwise.

Application may be made to Court of Queen's Bench for a Mandamus to put a Person on the Ward List.

XIV. Any Person whose Claim has been rejected or Name expunged at the Revision of any Ward List may apply before the End of the Term then next following to the Court of Queen's Bench, for a Mandamus to the Lord Mayor to insert his Name upon such Ward List; and thereupon such Court shall inquire into the Title of the Applicant to be on such List, and if the Court award such Mandamus the Lord Mayor shall be bound to insert the Name upon the Ward List, and shall add thereunto the Words "By Order of the Court of "Queen's Bench," and shall subscribe his Name to such Words; and upon every such Application the Court shall have Power to make such Order with respect to the Costs as to the Court may seem fit.

Power of Court to adjourn, and to administer Declarations, &c.

XV. Any Court holden under this Act in any Year for the Revision of any List of Voters shall have Power to adjourn from Time to Time, so that no such adjourned Court be holden after the Fifteenth Day of November in such Year, and shall have Power to require any Person having the Custody of any Book containing any Police Rate made during that or any preceding Year, and affecting any Ward, to produce the same, and allow the same to be inspected at any Court to be holden for revising the Ward List thereof, and shall have Power to administer a Declaration to the Town Clerk and

to the Ward Clerk, and to all Persons claiming to be inserted in or making Objection to or opposing the Retention or Insertion of any Name in any such List, and to all Persons objected to in any such List, and to all Persons claiming to have any Mistake in any such List corrected, and to all Witnesses who may be tendered or examined on either Side; and the Court shall upon the Hearing determine upon the Validity of the Claims and Objections; and the Persons or Person holding each Court shall in open Court write their or his Initials against any Part of any List in which any Mistake has been corrected, and shall sign their or his Names or Name to every Page of every List so settled.

Persons or Person holding Revision Courts to sign Ward Lists.

Lists to be kept by Town Clerk, and be in force from 1st December inclusive for One Year.

XVI. The Ward Lists, signed as aforesaid, shall be delivered to the Town Clerk, who shall keep the same, and shall cause the said Ward Lists to be printed; and each of such Ward Lists shall be the List of Persons entitled to vote as herein-before mentioned in any Election of an Alderman, Common Councilman, or Ward Officer of the Ward to which it relates, and of Auditors, which may take place between the First Day of December inclusive in the Year wherein such List has been made and the First Day of December in the succeeding Year.

Copies of Lists to be sold.

XVII. The Town Clerk shall deliver a printed Copy of any such Ward List to every Person applying for the same, on Payment of a Sum not exceeding Two Shillings and Sixpence for such Copy.

Six Common Councilmen to be elected in each Ward.

XVIII. There shall be elected in each Ward of the City on the Twenty-first Day of December in the Year One thousand eight hundred and fifty-eight, and in every subsequent Year, Six Common Councilmen.

Clause A. Where and before whom periodical Elections of Common Councilmen to take place.

XIX. On the Day hereby appointed for the Election in any Year of Common Councilmen in any Ward the Persons entitled to vote in such Election shall meet at such Place as may be appointed as herein-after mentioned, then and there to elect such Common Councilmen; and at such Meeting the Person presiding shall declare the Names of the Persons elected such Common Councilmen by the Majority of the Votes at such Meeting; and in the Case of the First Election in any Ward under this Act, and during any Vacancy in the Office of Alderman, the Place of Meeting for the Election, and the Person to preside, shall be appointed by the Lord Mayor, but in every other Case the Place of Election shall be appointed by the Alderman of the Ward, and such Alderman or some Person appointed by him shall preside; and such public Notice shall be given of the Appointment of such Place of Meeting as the Lord Mayor or Alderman appointing the same may direct.

XX. Any

XX. Any Two or more of the Persons entitled to vote in such Election, and present at such Meeting, may then and there demand a Poll; and in such Case the Polling shall commence at Eight of the Clock in the Forenoon of the Day next following the Day fixed for the Election, and shall continue during such One Day only, and such Poll shall not be kept open later than Four of the Clock in the Afternoon of such Polling Day; and the presiding Officer at such Election shall appoint a convenient Number of Clerks to take the Poll, which Clerks shall take the said Poll, and make a Declaration before the presiding Officer truly and indifferently to take the same, and to set down the Name of each Voter, and the Situation of the Premises occupied by him in respect of which he claims to vote, and the Name of the Person or Persons for whom he votes, and to poll no Person who does not answer any Question hereby authorized to be put to him at the Time of tendering his Vote; and it shall be lawful for the presiding Officer at any such Election to appoint such and so many Polling Places as in his Judgment are necessary, giving such public Notice of such Places as such presiding Officer may deem necessary, and to appoint some Person to act as his Deputy at each such Polling Place.

Provision for taking the Poll at such Elections.

XXI. No Inquiry shall be permitted at any such Election as to the Right of any Person to vote, except only as follows; (that is to say,) the presiding Officer or his respective Deputy shall, if required by any Two Persons entitled to vote, put to any Voter at the Time of tendering his Vote, and not afterwards, the following Questions or either of them; (that is to say,)

No Inquiry of the Voter, except as to his Identity, and whether he has voted before at the same Election.

Are you the Person whose Name appears as *A.B.* on the List of Voters now in force for this Ward, being inserted therein as occupying and rated for Property described to be situated in [*here specify the Street, &c. as described in the List of Voters*]?

Forms of Questions.

Have you already voted at the present Election?

And no Person required to answer either of the said Questions shall be permitted or qualified to vote until he have answered the same; and if any Person wilfully make a false Answer to either of the Questions aforesaid he shall be deemed guilty of a Misdemeanor, and may be indicted and punished accordingly.

XXII. After the Poll is finished, the Poll Books shall be sealed up by the presiding Officer, or his Deputy, (as the Case may require,) and shall within Two Days thereafter be publicly opened at the Place of Election, and be duly and truly cast up, and within Two Days

When the Poll is to be declared.

after such casting up the Numbers of the Votes for each Candidate shall be truly, fairly, and publicly declared to the Electors at the Place of Election by the presiding Officer.

Term of Office of Common Councilmen.

XXIII. The Common Councilmen elected as aforesaid in any Year shall go out of Office on the Twenty-first Day of December in the Year next following.

Election of Aldermen and Tenure of Office.

XXIV. On the Twenty-first Day of December in the Year One thousand eight hundred and fifty-eight, One Alderman shall be elected in each Ward of the City by the Persons entitled to vote in such Election under this Act, and such Alderman shall be elected at the same Time and Place and in the same Manner as the Common Councilmen to be first elected under this Act in the same Ward; and every Alderman elected as aforesaid, and to be afterwards elected under this Act, shall hold his Office during good Behaviour or until he die, or resign, or otherwise cease under this Act to hold such Office; and upon every Vacancy in the Office of any such Alderman some other Person shall, with all convenient Speed, be elected in his Place by the Persons entitled to vote as aforesaid.

Manner of proceeding if a Person be elected an Alderman or Common Councilman in more than One Ward.

XXV. If at any Election under this Act any Person be elected an Alderman or Common Councilman in more than One Ward, or be elected an Alderman in One or more Wards and a Common Councilman in any other Ward or Wards, he shall, within Three Days after the Declaration of such Election, or if by reason of a Poll the Result of the Election be not declared in every such Ward on the same Day, then within Three Days after the Declaration of the Election in the Ward in which the Result of the Election shall be last declared, notify in Writing under his Hand to the Lord Mayor for which of the Wards for which he is so elected he chooses to serve as such Alderman or Common Councilman, and in default of his so doing the Lord Mayor shall in Writing under his Hand declare for which of the said Wards the Person so elected shall serve as such Alderman or Common Councilman, and such Person shall be deemed to be elected such Alderman or Common Councilman for the Ward for which he so notifies his Choice to serve, or for which the Lord Mayor so declares he is to serve, and some other Person or Persons shall forthwith be elected in his Place in the other Ward or Wards for which he was elected.

Existing Aldermen and Common Councilmen to go out of Office.

XXVI. The Duties and Powers of the Aldermen and Common Councilmen elected at the First Elections for the several Wards of the City under this Act shall commence on the First Day of January in the

the Year One thousand eight hundred and fifty-nine, and on that Day all Aldermen and Common Councilmen of the City, other than such Persons as have been elected such Aldermen and Common Councilmen at such First Elections, shall cease to be such Aldermen and Common Councilmen, and their Duties and Powers shall be determined, but the Lord Mayor shall continue to hold his Office, and to have and exercise all his Duties and Powers as Lord Mayor, until such Time as he would have gone out of Office if this Act had not been passed.

Election of Lord Mayor.

XXVII. In and after the Year One thousand eight hundred and fifty-nine the Lord Mayor shall be an Alderman elected under this Act, and shall be elected by the several Persons whose Names shall appear in the Ward Lists herein-before directed to be annually made out.

CLAUSE B.
Election of Lord Mayor.

XXVIII. The Place of Meeting for each Election of Lord Mayor shall be the Guildhall of the City of London, and the Lord Mayor, or such Person as he may appoint in that Behalf, shall preside at every such Election; and the Provisions herein-before contained with regard to the Mode of Election of Common Councilmen, and the demanding and taking a Poll, and generally in relation thereto, shall apply to and in the Case of the Election of Lord Mayor with such Variation as the different Nature of the Election may require: Provided that in the event of a Poll being demanded there shall be at least One Polling Place appointed within each Ward, and that no Voter shall give his Vote except at a Polling Place within the Ward to which he belongs.

Office of Common Councilman elected Alderman to be vacant.

XXIX. If any Common Councilman be elected an Alderman his Office of Common Councilman shall thereupon become vacant.

Lord Mayor and Aldermen to be Justices.

XXX. Every Lord Mayor and Alderman elected under this Act shall be a Justice of the Peace of and for the City while he continues Alderman; and shall, as such Justice of the Peace, have and exercise all such Jurisdiction, Powers, and Authorities as are now vested in the Lord Mayor and any such Alderman respectively as such Justice, save as otherwise provided by this Act.

Three Auditors to be elected annually.

XXXI. On the Fifteenth Day of February in the Year One thousand eight hundred and fifty-nine, and in every succeeding Year, the Persons entitled to vote in the Election of Auditors under this Act shall elect, by a Majority of Votes, Three Auditors, and such Auditors shall continue in Office until the Fifteenth Day of February in the

Year following their Election: Provided always, that no Person shall vote for more than One Person to be Auditor, and that no Person shall be capable of being elected Auditor who is in the Common Council, or Town Clerk or Chamberlain of the City, and that no Person who is such Auditor shall be capable of being elected a Member of the Common Council.

Provisions as to Ward Elections to apply to Election of Auditors.

XXXII. The Provisions herein-before contained with regard to the Mode of Election of Common Councilmen, and the Appointment of the Place of Election, and of a Person to preside at each such Election, and the demanding and taking a Poll, and generally in relation thereto, shall apply to and in the Case of the Election of Auditors, with such Variation as the different Nature of the Election may require.

Persons vacating Office may be re-elected.

XXXIII. Any Lord Mayor, Common Councilman, or Auditor going out of Office shall, if qualified, be capable of immediate Re-election.

Casual Vacancies.

XXXIV. When any Common Councilman or Auditor elected under this Act ceases, otherwise than by the Expiration by Effluxion of Time of his Term of Office, to be such Common Councilman or Auditor, some other Person shall, with all convenient Speed, be elected in his Place; and every Common Councilman, and Auditor elected to supply any such Vacancy as aforesaid shall go out of Office when the Term of Office of the Common Councilman or Auditor in whose Place he is elected would have expired by Effluxion of Time.

Lord Mayor to appoint Time and Place of Election where not appointed in the Act.

XXXV. The Lord Mayor shall, in every Case where the Time or Place of any Election directed under this Act is not appointed in this Act, appoint the Time or Place of such Election, and shall cause such public Notice to be given of the Time and Place so appointed as he may deem necessary; and such Election shall be holden, and the Voting and Proceedings thereat shall be conducted, and in case a Poll be demanded as herein-before mentioned such Poll shall be taken on the Day next following, in manner herein provided with respect to the Elections on the Days fixed by this Act.

Who are not qualified to be chosen Aldermen, Common Councilmen, or Auditors.

XXXVI. No Person, being in Holy Orders, or being the regular Minister of any Dissenting Congregation, shall be elected an Alderman, Common Councilman, or Auditor of the City; and no Person shall be elected or be such Alderman, Common Councilman, or Auditor, unless he be on the List of Voters for some

some Ward in the City, and be seised or possessed of Real or Personal Estate, or both, to the Amount of One thousand Pounds, or be rated to the Police Rate of the City upon the annual Value of not less than Thirty Pounds; and no Person shall be elected or be such Alderman, Common Councilman, or Auditor, during such Time as he holds any Office or Place of Profit (other than that of Lord Mayor or Sheriff) in the Gift or Disposal of the Corporation of the City, or during such Time as he or his Partner has directly or indirectly any Share or Interest in any Contract or Employment by, with, or on behalf of the said Corporation: Provided always, that no Person shall be disqualified from being such Alderman, Common Councilman, or Auditor by reason of having or of his Partner's having, directly or indirectly, any Share or Interest in any Lease, Sale, or Purchase of Lands, Tenements, or Hereditaments, or any Agreement for such Lease, Sale, or Purchase, or for the Loan of Money, or in any Security for the Payment of Money only made from, by, to, with, or on behalf of the said Corporation: Provided also, that no Person, being a Shareholder of any Joint Stock Company, shall be disqualified from being an Alderman, Common Councilman or Auditor as aforesaid, by reason of any Contract with or Employment of such Company by or on behalf of the said Corporation; but no such Lord Mayor, Alderman, or Common Councilman shall, as a Member of the Common Council, vote upon any Question in which such Company is interested, or vote on or take part in the Discussion of any Matter in which he has, directly or indirectly, by himself or his Partner, any pecuniary Interest; and any Person not disqualified by this Act from being elected Alderman, Common Councilman, or Auditor shall be capable of being so elected: Provided also, that any Person being at the Time of the passing of this Act an Alderman of the City may be elected Alderman, Common Councilman, or Auditor under this Act, notwithstanding he be not on the List of Voters for any Ward, and be not entitled to be on any such List, provided he be not otherwise disqualified from being so elected.

Qualification of Sheriffs.

XXXVII. Any Alderman or Common Councilman, and any Person who under this Act might be elected to be an Alderman or Common Councilman of the City, shall be capable of being elected to be a Sheriff thereof.

Lord Mayor, Sheriffs, Aldermen, Common Councilmen, and Auditors not to act until they

XXXVIII. No Person elected Lord Mayor, Sheriff, Alderman, Common Councilman, or Auditor for the City shall be capable of acting as such until he have made and subscribed before Two or more of such Aldermen or Common Councilmen (who are hereby respectively authorized and required to administer the same to each other)

have made a Declaration of Acceptance of Office, and, where qualified by Estate, of such Qualification.

other) a Declaration in the Words or to the Effect following; (that is to say,)

'I *A.B.*, having been elected Lord Mayor [*or* Sheriff, Alderman, Common Councilman, *or* Auditor] for the City of London, do hereby declare, That I take the said Office upon myself, and will duly and faithfully fulfil the Duties thereof, according to the best of my Judgment and Ability [*and in case the Party be qualified by Estate, say*, and I do hereby declare that I am seised or possessed of Real *or* Personal Estate (*or both, as the Case may be,*) to the Amount of *One thousand Pounds* over and above what will satisfy all my Debts].'

Which Declaration shall be sent to and filed in the Town Clerk's Office.

Person not accepting Office to pay a Fine.

XXXIX. Every Person, duly qualified, who is elected to the Office of Lord Mayor, Sheriff, Alderman, Common Councilman, or Auditor of the City, shall accept such Office or pay to the Corporation such Fine, not exceeding, in the Case of Lord Mayor or Sheriff, One hundred Pounds, and in other Cases Fifty Pounds, as the Common Council by a Byelaw to be made by them in this Behalf shall direct; and such Fine, if not duly paid, shall be levied by the Warrant of any Justice having Jurisdiction within the City, (who is hereby required, on the Application of the Common Council, to issue the same,) by Distress and Sale of the Goods and Chattels of the Person so refusing to accept Office, with the reasonable Charges of such Distress; and every such Person so elected shall accept such Office by making and subscribing the Declaration herein-before mentioned within Five Days after Notice of his Election, otherwise such Person shall be liable to pay the said Fine as for his Non-acceptance of such Office, and such Office shall thereupon be deemed to be vacant, and shall be filled up by a fresh Election to be made in the Manner herein-before mentioned: Provided always, that no Person disabled by Lunacy or Imbecility of Mind, or by Deafness, Blindness, or other permanent Infirmity of Body shall be liable to such Fine as aforesaid; provided also, that every Person so elected to any such Office who is above the Age of Sixty-five Years, or who has already served the same Office, or paid the Fine for not accepting such Office, within Five Years from the Day on which he is so elected, shall be exempted from accepting or serving the same Office if he claim such Exemption within Five Days after Notice of his Election: Provided also, that nothing in this Act contained shall extend to compel the Acceptance of any Office by any Military, Naval, or Marine Officer in Her Majesty's Service on Full Pay, or by any Officer or other Person employed and residing within any of Her Majesty's Dockyards, Victualling Establishments, Arsenals or Barracks.

XL. If

Disqualification of Lord Mayor, Aldermen, and Common Councilmen.

XL. If any Person holding the Office of Lord Mayor, Alderman, or Common Councilman of the City declare himself or be declared bankrupt or insolvent, or take or apply to take the Benefit of or become subject to any Act for the Relief of Insolvent Debtors, or make any Composition with his Creditors, or altogether absent himself from his Duty for the Period herein-after mentioned, (that is to say,) for Two Months consecutively in the Case of the Lord Mayor, or for Six Months consecutively in the Case of an Alderman or Common Councilman, unless prevented by Illness or other reasonable Cause, or be convicted of Felony, Fraud, or Perjury, then and in every or any such Case such Person shall thereupon immediately become disqualified, and shall cease to hold the Office of Lord Mayor, Alderman, or Common Councilman, as the Case may be, and the Common Council shall thereupon forthwith adjudge the said Office vacant; but any Person becoming disqualified and ceasing to hold such Office by reason of having made any Composition with his Creditors shall, on Payment of his Debts in full, be capable (if otherwise qualified) of being re-elected to such Office; and any Act done by any such Lord Mayor, Alderman, or Common Councilman so becoming disqualified as aforesaid, previously to his Office being adjudged vacant as aforesaid, shall have the same Force and Validity as if such Lord Mayor, Alderman, or Common Councilman had not been disqualified.

Penalty on Persons acting who are disqualified.

XLI. Any Person who acts as Lord Mayor, or as an Alderman, Common Councilman, or Auditor of the City, without having made the Declaration herein-before required, or without being duly qualified at the Time of making such Declaration, or who so acts after he ceases to be qualified, or after he has become disqualified to hold such Office, or who acts as a Justice of the Peace being disqualified by this Act, or who, being a Shareholder of any Joint Stock Company, votes as a Member of the Common Council upon any Question in which such Company is interested, or who votes on or takes part in the Discussion of any Matter in which he has, directly or indirectly, by himself or his Partner, any pecuniary Interest, shall for every such Offence be liable to a Penalty of Fifty Pounds, which may be recovered, with full Costs of Suit, by any Person who may sue for the same, within Three Months after the Commission of the Offence, in any of Her Majesty's Superior Courts of Record: Provided always, that all Acts and Proceedings of any Person who is disqualified or is disabled from acting or voting as aforesaid shall, if done previously to the Recovery of such Penalty, be valid and effectual to all Intents and Purposes.

CLAUSE C. Sections 54, 55, and 56 of 5 & 6 Will. 4. c. 76. as to Bribery at Elections to apply to Elections under this Act.

XLII. Sections Fifty-four, Fifty-five, and Fifty-six of the Act passed in the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six, shall extend and be applicable to Persons having or claiming a Right to vote at an Election under this Act, and to the Capacity and Right to vote at every such Election, as if the City of London had been included in the said Act.

Penalty on Ward Clerks and Town Clerks for Neglect to comply with the Provisions of the Act.

XLIII. If any Ward Clerk of any Ward within the City neglect or refuse to make out, sign, and deliver any such List as is herein-before directed to be made out, signed, and delivered by him, or if the Town Clerk neglect or refuse to receive, print, and publish any such List as herein directed, such Ward Clerk or Town Clerk respectively for every such Offence shall forfeit and pay the Sum of Fifty Pounds; and any such Penalty may be recovered, with full Costs of Suit, by any Person who will sue for the same, within Three Months after the Commission of such Offence, in any of Her Majesty's Superior Courts of Record.

CLAUSE D. Quorum of Council.

XLIV. All Powers and Duties vested in the Common Council may be exercised and performed at any Meeting of such Council duly convened at which Thirty Members of such Council are present, and it shall not be necessary in order to the Exercise or Performance of such Powers or Duties by such Meeting for the Lord Mayor or any of the Aldermen to be present thereat, and such Council may act notwithstanding any Vacancy therein; and at every Meeting of the Common Council the Lord Mayor, if present, shall preside, and the Lord Mayor, or in his Absence such Alderman, or in the Absence of all the Aldermen such Common Councilman, as the Members of the Council then assembled shall choose to be the Chairman of the Meeting, shall have a Second or Casting Vote.

Chairman at Meetings of the Council.

CLAUSE E. Notice of Meetings.

XLV. Previously to any Meeting of the Common Council other than an Adjourned Meeting a Notice of the Time and Place of such intended Meeting shall be given Three clear Days at least before such Meeting by fixing the said Notice on the Guildhall, and such Notice shall be signed by the Lord Mayor, who shall have Power to call a Meeting of the Common Council as often as he thinks proper; and if he refuse to call any such Meeting after a Requisition for that Purpose signed by not less than Twenty Members of the Common Council has been presented to him, such Members, or any Twenty of them, may call such Meeting by giving such Notice as is herein-before required in that Behalf, such Notice to be signed by the said Members instead of the Lord Mayor, and to state the Business proposed to be transacted at such Meeting; and in every Case a Summons to attend the Meeting, signed by the Town Clerk,

Clerk, shall be left at the usual Place of Abode of every Member of the Common Council, or at the Premises in respect of which he is upon the List of Voters for some Ward in the City, Three clear Days at least before such Meeting.

Accounts of Receipts and Disbursements to be kept, audited, and published.

XLVI. The Accounts of the Chamberlain shall at all seasonable Times be open to the Inspection of any of the Aldermen or Common Councilmen of the City, and such Accounts, with all Vouchers and Papers relating thereto, shall in the Month of February in every Year be submitted to the Auditors herein-before directed to be elected, and to such Member of the Common Council as the Lord Mayor shall name, on the Fifteenth Day of February in every Year, or, in case of extraordinary Vacancy, within Ten Days next after such Vacancy, for the Purpose of being examined and audited, from the First Day of January to the Thirty-first Day of December, both inclusive, in the Year preceding; and the said Auditors shall forthwith proceed to complete their Audit of the same; and if the said Accounts be found to be correct, the Auditors shall sign the same; and after such Accounts have been so examined and audited in every Year, the Chamberlain shall make out in Writing, and cause to be printed, a full Abstract of his Accounts for the Year, and a Copy thereof shall be open to the Inspection of all the Ratepayers of the City, and Copies thereof shall be delivered to all Ratepayers of the City applying for the same, on Payment of a reasonable Price for each Copy.

Accounts to be transmitted to Secretary of State, and Abstract laid before Parliament.

XLVII. The Common Council shall, before the First Day of May in every Year, transmit to One of Her Majesty's Principal Secretaries of State a Statement of all Monies received and expended on account of the Corporation within the Year preceding which Statement shall be prepared in such Form and Manner as the Secretary of State shall direct, and such Statement shall be made up to the last preceding Period of Audit, and an Abstract of such Statement under general Heads shall be laid before both Houses of Parliament during their sitting in the same Year in which such Statement is required to be transmitted as aforesaid.

Power of Sale and Leasing restrained.

XLVIII. It shall not be lawful for the Common Council to sell, mortgage, or alienate the Lands, Tenements, or Hereditaments of the Corporation, or any Part thereof, except in pursuance of some Covenant or Agreement bonâ fide made or entered into on or before the Fourth Day of February One thousand eight hundred and fifty-eight, by or on behalf of the Corporation, or of some Resolution duly entered in the Books of the Corporation on or before the said Fourth Day of February, or to demise or lease, except in pursuance

suance of some Covenant or Agreement bonâ fide made or entered into on or before the said Fourth Day of February, by or on the Behalf of the Corporation, or in pursuance of some Resolutions duly entered in the Books of the Corporation on or before the said Fourth Day of February, or, except in the Cases herein-after mentioned, any Lands, Tenements, or Hereditaments of the Corporation or any Part thereof, or to enter into any new Covenant or Agreement (except in the Cases herein-after mentioned) for demising or leasing any such Lands, Tenements, or Hereditaments, or any Part thereof, for any Term exceeding Thirty-one Years from the Time when such Lease is made, or, if made in pursuance of a previous Agreement, then from the Time when such Agreement was entered into; and in every Lease which the Common Council are not hereby restrained from making there shall (except in Cases herein-after mentioned) be reserved and made payable during the whole of the Term thereby granted such clear yearly Rent as to the Common Council appears reasonable, without taking any Fine for the same: Provided nevertheless, that in every Case in which the Common Council deem it expedient to demise and lease for a longer Term than Thirty-one Years, or upon different Terms and Conditions than those herein-before mentioned, or to sell, exchange, mortgage, charge, or otherwise dispose of any of the said Lands, Tenements, or Hereditaments, it shall be lawful for the Common Council to represent the Circumstances of the Case to the Commissioners of Her Majesty's Treasury; and it shall be lawful for the Common Council, with the Approbation of the said Commissioners, to demise any of the Lands, Tenements, and Hereditaments of the Corporation in such Manner and on such Terms and Conditions as may be approved by the said Commissioners, or to make such Sale, Exchange, Mortgage, Charge, or other Disposition of such Lands, Tenements, or Hereditaments as may be so approved: Provided always, that Notice of the Intention of the Common Council to make Application as aforesaid shall be fixed on the outer Door of the Guildhall, or in some public and conspicuous Place within the City, One Month at least before such Application; and a Copy of the Memorial intended to be sent to the said Commissioners shall be kept in the Town Clerk's Office during such Month, and shall be freely open to the Inspection of every Ratepayer in the City at all reasonable Hours during the same.

Power to renew Leases, &c.

XLIX. Provided always, That in all Cases in which the Corporation shall on the Fourth Day of February One thousand eight hundred and fifty-eight have been bound or engaged by any Covenant or Agreement, express or implied, or have been enjoined by any Deed, Will, or other Document, or have been sanctioned or warranted

warranted by ancient Usage or by Custom or Practice, to make any Renewal of any Lease for Years, or for Life or Lives, or for Years determinable with any Life or Lives at any fixed or determinate or known or accustomed Period, or after the Lapse of any Number of Years, or on the dropping of any Life or Lives, at a Fine certain, or under any special or specific Terms or Conditions, and also in all Cases in which the Corporation shall theretofore have ordinarily made Renewal of any Lease for Years, or for Life or Lives, or for Years determinable with any Life or Lives at any fixed or determinate or known or accustomed Period, or after the Lapse of any Number of Years, or upon the dropping of any Life or Lives, upon the Payment of an arbitrary Fine, it shall be lawful for the Common Council to renew such Lease for such Term or Number of Years, either absolutely or determinable with any Life or Lives, or for such Life or Lives, and at such Rent, and upon the Payment of such Fine or Premium, either certain or arbitrary, and with or without any Covenant for the future Renewal thereof, as the Corporation could or might have done in case this Act had not been passed.

Leases of certain Buildings, and of Ground for building on, or for making Gardens, &c., may be made for Seventy-five Years.

L. Provided nevertheless, That in any of the Instances hereinafter mentioned it shall be lawful for the Common Council from Time to Time to demise and lease, or to enter into any Contract or Agreement for demising and leasing, any of the said Lands, Tenements, or Hereditaments, to any Person, Body Politic, Corporate, or Collegiate, for any Term not exceeding Seventy-five Years from the Time of making such Lease or Agreement, and either at a reserved Rent or Fine, or both, (that is to say,)

Of Tenements or Hereditaments the greater Part of the yearly Value of which shall at the Time of making the Lease or Agreement consist of any Building or Buildings:

Of Land or Ground proper for the Erection of any Houses or other Buildings thereupon, with or without Gardens, Yards, Curtilages, or other Appurtenances to be used therewith, and, where the Lessee or intended Lessee shall covenant or agree to erect a Building or Buildings thereon of greater yearly Value than such Land or Ground:

Of Land or Ground proper for Gardens, Yards, Curtilages, or other Appurtenances to be used with any other House or other Building erected or to be erected on any such Ground, belonging either to the Corporation or to any other Proprietor, or proper for any other Purpose calculated to afford Convenience or Accommodation to the Occupiers of any such House or Building.

Common Hall Elections transferred to

LI. After the Thirty-first Day of December One thousand eight hundred and fifty-eight no Election shall take place at any Meeting or

Common Council.

or Assembly of the Mayor, Aldermen, and Liverymen of the several Companies of the City in Common Hall assembled; and all Elections for Chamberlains, and all other Elections which now take place in Common Hall as aforesaid, save as herein otherwise provided, shall after the said Thirty-first Day of December One thousand eight hundred and fifty-eight be made by the Common Council.

Clause F. Certain Functions continued in the Court of Aldermen.

LII. The Court of Mayor and Aldermen of the City of London in the Inner Chamber shall retain the Power of appointing the Recorder, and of appointing and removing the Clerks to the Justices of the City, and such Officers as they may consider necessary for the Discharge of Duties in and in connexion with the Prisons and Justice Rooms of the said City, and all Powers now vested in such Court in relation to such Clerks and Officers; and such Court shall also continue to perform and exercise all Duties, Powers, and Authorities vested in them in respect of Prisons, and in relation to Charities and other Trusts, and all Duties, Powers, and Authorities vested in them under the Acts mentioned in the Schedule to this Act, and for these Purposes may continue to act as a Court of Record; but, save as aforesaid, and as herein-after provided, the Duties, Powers, Rights, and Authorities of the said Court shall, from and after the Thirty-first Day of December One thousand eight hundred and fifty-eight, determine.

Clause G. Certain Powers vested in Common Council.

LIII. All Powers of appointing and removing Officers and otherwise in relation to Officers now vested in the said Court of Mayor and Aldermen and not hereby continued in such Court, and all Powers now vested in such Court over the Money and Funds of the City, shall be vested in the Common Council.

Exclusive Rights of Trading in the City abolished.

LIV. Any Person whosoever may keep any Shop for the Sale of Wares and Merchandises, by Wholesale or Retail, and use every lawful Trade, Occupation, Mystery, and Handicraft, for Hire, Gain, Sale, or otherwise, in the City, whether he be or be not free of the City.

The Right of Metage and the exclusive Right of Porterage abolished.

LV. All such Right of Metage of any Grain, Fruit, Wares, or Merchandise as the Corporation is entitled to by Custom, Charter, or otherwise, and all exclusive Right of Porterage of any Grain, Fruit, Wares, or Merchandise, which any Porters of the City have or claim under any such Custom or Charter or otherwise, shall cease after the Thirty-first Day of December One thousand eight hundred and fifty-eight.

LVI. Pro-

Clause H. Corporation may continue Metage for Importers and others desiring to employ them.

LVI. Provided always, That the Corporation may, notwithstanding the Abolition as aforesaid of the Right of Metage, continue the Metage of Grain, Seed, and Pulse brought into the Port of London in Cases where the Importers, or others having the Care or Charge thereof, desire to have such Grain, Seed, and Pulse measured by or under the Direction of the Corporation, and at and for such Rates of Payment not exceeding the present Rates and on such Terms as may be from Time to Time fixed by the Corporation, and shall have all such Power over and in respect of the Deputy Meters, Porters, and others whom they may employ in or in relation to such Metage as if this Act had not been passed.

Clause I. Metage Duty on Coal under 1 & 2 Will. 4. c. lxxvi. and 8 & 9 Vict. c. 101. not to be affected.

LVII. Nothing in this Act contained shall be taken to affect the Right or Duty of Metage of Coals which under the Act of the Session holden in the First and Second Years of King William the Fourth, Chapter Seventy-six (Local), and the Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter One hundred and one, may belong to the Corporation after the Fifth Day of July One thousand eight hundred and sixty-two.

Enactments respecting the Admission of Brokers by the Court of Aldermen repealed.

LVIII. So much of the Act of the Sixth Year of Queen Anne, Chapter Sixteen, and of the Act of the Fifty-seventh Year of King George the Third (Local and Personal), Chapter Sixty, or of any other Act or Acts of Parliament, as prohibits Persons from acting as Brokers within the City without being admitted so to do by the said Court of Mayor and Aldermen, or as makes any annual or other Sum payable to the Chamberlain of the City, or to the Use of the Corporation, by Persons acting as Brokers in the City, shall be repealed, and all Bonds and other Securities which have been taken for securing Payment of such annual or other Sums shall be void.

Street Tolls abolished.

LIX. No Tolls shall hereafter be payable to or to the Use of Corporation on any Carts, Waggons, or other Carriages laden or otherwise, entering or leaving the City, or passing through or over the Streets or Ways of the City.

Restriction on Grant of Markets within Seven Miles of the City repealed.

LX. So much of any Charter of or Grant to the City as prevents or interferes with the Grant by the Crown of any Market to be holden within Seven Miles of the City shall be repealed: Provided always, that this Enactment shall not affect any Provision of "The "Metropolitan Market Act, 1857."

Jurisdiction of Mayor and Aldermen of the City as

LXI. All Jurisdiction, Power, and Authority of the Corporation or Common Council of the City over the Borough of Southwark or any Part thereof, and all Jurisdiction, Power, and Authority of the

Justices for Southwark abolished.

Mayor, or any of the Aldermen of the City, as Justices of the Peace in or for the Borough of Southwark or any Part thereof, shall cease from and after the Thirty-first Day of December One thousand eight hundred and fifty-eight, and the Justices of the Peace for the County of Surrey shall have the like Jurisdiction, Power, and Authority within and for the Borough of Southwark as within and for other Parts of the said County within the Metropolitan Police District.

Coroner for the City to cease to act for Southwark.

LXII. From and after the Thirty-first Day of December One thousand eight hundred and fifty-eight, no Coroner for the City, or other Coroner elected by the Common Council, shall take any Inquisition which belongs to the Office of Coroner within the Borough of Southwark, but the same shall be within the Jurisdiction of the Coroner for the County of Surrey as other Parts of the same County: Provided nevertheless, that this Enactment shall not take effect so long as the Person who holds the Office of Coroner for the City of London at the Time of the passing of this Act continues to be such Coroner.

Office of High Bailiff of Southwark abolished.

LXIII. The Office of High Bailiff of the Borough of Southwark shall be abolished from and after the Time when the Person who now holds such Office shall cease to hold the same, but such Person shall not be deemed to cease to hold such Office so long as he continues to be re-elected thereto.

Upon there ceasing to be a High Bailiff for the Borough of Southwark, a Returning Officer to be appointed by the Sheriff, and High Bailiff to be appointed for the Southwark County Court.

LXIV. When there ceases to be a High Bailiff for the said Borough, the Sheriff of the County of Surrey shall forthwith and from Time to Time thereafter appoint a Person to be Returning Officer at Elections of Members to serve in Parliament for such Borough, as in Cases of those Boroughs in which Sheriffs are by Law required to appoint such Returning Officers; and the Judge of the Court holden for Southwark under the Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter Ninety-five, shall from Time to Time appoint, by Order of Court, One or more High Bailiffs for such Court, and may, in case of Inability or Misbehaviour, by like Order remove any such Bailiffs.

Upon Petition of Common Council, and a Salary being provided by them, Her Majesty may appoint a Stipendiary Magistrate.

LXV. If the Common Council think it requisite that a salaried Police Magistrate or Magistrates should be appointed within the City, they are hereby empowered, by any Act to be made for that Purpose, to fix the Amount of the Salary which such Magistrate or Magistrates is or are to receive, and upon such Act, together with a Petition to Her Majesty from the Common Council for the Appointment of such Magistrate or Magistrates, being transmitted to One of Her Majesty's Principal Secretaries of State, it shall be lawful

lawful for Her Majesty, if She think fit, to appoint One or more fit Person or Persons, according to the Number fixed in the said Act of the Common Council, who, or each of whom has practised as a Barrister during at least Seven Years then last past, or has practised as a Barrister for Four Years then last past, having previously practised as a Certificated Special Pleader for Three Years below the Bar, to be, during Her Majesty's Pleasure, a Police Magistrate or Magistrates, and a Justice or Justices of the Peace for the City, and to direct that such Sum shall be paid quarterly by the Chamberlain of the City as will be sufficient to pay such yearly Salary to each of the Justices so appointed as last aforesaid, not exceeding in the whole the Salary mentioned in the said Act and in the Prayer of such Petition, clear of all Fees and Deductions, as to Her Majesty shall seem fit, and the Chamberlain of the City shall thereupon pay to each Justice so appointed as last aforesaid, out of any Monies in the Chamber of the City, the Salary so directed to be paid by Four equal quarterly Payments, and in the same Proportion up to the Time of the Death of such Justice or his ceasing to act under such Appointment as aforesaid: Provided, that in every Case of Vacancy of the Office of every such Police Magistrate, no new Appointment of Police Magistrate shall be made until the Common Council again make Application in that Behalf, as in the Case of the First Appointment of such Police Magistrate as aforesaid.

Justices need not be qualified by Estate, and not to act until they have taken the Oaths, except as to Qualification

LXVI. Every Person appointed a Justice of the Peace for the City as aforesaid shall be capable of being and acting as such Justice although he may not have the Qualification by Estate required of Justices of the Peace; but no Person appointed such Justice of the Peace as aforesaid, shall act until he have taken the Oaths required to be taken by Justices of the Peace, except the Oath as to Qualification, and has also made before the Lord Mayor, or Two or more of the Aldermen or Common Councilmen of the City (who is and are respectively hereby authorized and required to administer the same), a Declaration in the following Form; (that is to say,)

'I A.B. do hereby declare, That I will faithfully and impartially execute the Office of a Magistrate and Justice of the Peace for the City of London, according to the best of my Judgment and Ability.'

Police Courts to be provided.

LXVII. The Common Council shall, in case a salaried Magistrate or Magistrates be appointed for the City under this Act, cause to be provided and kept up a proper Police Court or Courts for the sitting of such Magistrate or Magistrates.

Salaried Police Magistrate may do Acts authorized to be done by more than One Justice.

LXVIII. It shall be lawful for every salaried Police Magistrate appointed under this Act, and sitting at a Police Court in the City, provided under this Act, to do alone any Act which by any Law now in force, or by any Law not containing an express Enactment to the contrary hereafter to be made, may be done by more than One Justice.

Clause J. Powers to Common Council to raise Money for providing or improving Police Stations.

LXIX. For the Purpose of defraying the Expense of providing new Stations, or improving the existing Stations of the Police Force of the City, the Common Council may borrow, and take up at Interest on Mortgage of the City Police Rates, any Sum or Sums not exceeding in the whole the Sum of Sixty thousand Pounds, and any Monies raised on the Security of such Rates shall be a First Charge thereon; and the Provisions of "The City of London Sewers Act, 1848," in relation to Mortgages under that Act of the Sewers Rate, shall be applicable to Mortgages by virtue of this Enactment of the City Police Rates, save that such last-mentioned Mortgages shall be made under the Common Seal of the Corporation, and that such Provisions shall be construed as referring to the Common Council and the Corporation and the Town Clerk in the Place of the Commissioners and their Clerk, as the Case may require.

Clause K. Deficiency of City Police Superannuation Fund may be made good out of other Monies applicable to Charge of Police.

LXX. In case the City Police Superannuation Fund provided by the Act of the Second and Third Years of Her Majesty, Chapter Ninety-four, shall at any Time be insufficient for Payment of the Superannuation or Retiring Allowances which may be ordered to be paid thereout under the Provisions of the said Act, it shall be lawful for the Common Council, if they shall see fit, to authorize and direct the Payment by the Chamberlain of the City, out of any Monies applicable towards defraying the Charge of the City Police, of such Sum or Sums from Time to Time as may be necessary to make good the Deficiency of the said City Police Superannuation Fund.

Officers to receive Compensation on Removal;

LXXI. Every Officer of the City in any Office of Profit at the Time of the passing of this Act, whose Office is abolished, or who is removed from his Office under the Provisions of this Act, shall be entitled to have an adequate Compensation, to be assessed by the Common Council, and paid out of the Revenues of the Corporation, for the Salary, Fees, and Emoluments of the Office which he so ceases to hold, Regard being had to the Manner of his Appointment to the said Office, and his Term or Interest therein, and all other Circumstances of the Case; and every Person entitled to such Compensation as aforesaid shall deliver to the Town Clerk, or in case such Person be himself Town Clerk then to the Chamberlain of the City, a

to deliver Statement of Claims.

Statement

Statement under the Hand of such Person setting forth the Amount received by him or his Predecessors in every Year during the Period of Five Years next before the passing of this Act on account of the Salary, Fees, Emoluments, Profits, and Perquisites in respect whereof he claims such Compensation, distinguishing the Office, Place, Situation, Employment, or Appointment in respect whereof the same have been received, and containing a Declaration that the same is a true Statement according to the best of the Knowledge, Information, and Belief of such Person, and also setting forth the Sum claimed by him as such Compensation; and the Town Clerk or Chamberlain, as the Case shall be, shall lay such Statement before the Common Council, who shall take the same into consideration, and determine thereon; and immediately upon such Determination being made the Person preferring such Claim, if he be not himself the Town Clerk, shall be informed thereof by Notice in Writing under the Hand of the Town Clerk; and in case such Claim be admitted in part and disallowed in part, such Notice shall specify the Particulars in which the same has been admitted and disallowed respectively; and in case the Person preferring such Claim think himself aggrieved by the Determination of the Common Council thereon, or in case One Third of the Members of the Common Council subscribe a Protest against the Amount of Compensation allowed by the Determination of the Common Council as excessive, it shall be lawful for the Person preferring such Claim, or any Member of the Common Council who subscribes such Protest, to appeal to the Commissioners of Her Majesty's Treasury, who shall thereupon make such Order, under their Hands, as to them shall seem just; and such Order shall be binding on all Parties: Provided always, that if the Common Council do not determine on such Claim within Six Months after the aforesaid Statement is delivered to the Town Clerk or Chamberlain, as the Case shall be, such Claim shall be considered as admitted: Provided also, that it shall not be lawful for any Member of the Common Council to subscribe such Protest as aforesaid except within such Period of Six Months: Provided also, that the Person preferring such Claim, if any Member of the Common Council so require, upon receiving Notice in Writing signed by the Town Clerk, unless such Person be himself Town Clerk, in which Case no such Notice shall be requisite, shall from Time to Time attend at any Meeting or adjourned Meeting of the Common Council for the Investigation of such Claim, and then and there, upon his Oath or solemn Affirmation, to be taken or made before the Lord Mayor (who is hereby authorized to administer the same), shall answer all such Questions as shall be asked by any Member of the Common Council touching the Matters set forth in the Statement subscribed

by such Person as aforesaid, and produce all Books, Papers, and Writings in his Possession, Custody, or Power relating thereto.

Compensation to be secured by Bond under Common Seal.

LXXII. The Sum payable to any Person as such Compensation as aforesaid shall be secured to such Person by Bond or Obligation under the Common Seal of the Corporation in a sufficient Penalty conditioned for the Payment to such Person, his Executors Administrators or Assigns, of such Sum, with all Arrears thereof (if any) accrued due before the Date of such Bond; and such Bond or Obligation shall be prepared and executed at the Expense of the Corporation, and delivered to the Person entitled to such Compensation as soon as conveniently may be after the Amount thereof has been admitted as aforesaid by the Common Council, or has been determined, in the event of such Appeal as aforesaid, by the Order of the said Commissioners.

Clause L. Compensation to Ward, Clerks, and Beadles.

LXXIII. Every Ward Clerk and Beadle whose Office shall cease and be determined on the setting out of the Wards under the Provisions of this Act, or the passing thereof, shall be entitled to make a Claim for Compensation in respect of any loss of Emolument arising from the passing of this Act, such Claim to be made to the Alderman and Common Councillors of the Ward in which such Ward, or the larger Part thereof, existed; and it shall be lawful for them to inquire the Period for which the same has been held by the Claimant, and what were the Emoluments in respect of which Compensation shall be awarded; and the Alderman and Common Councillors shall award a gross or yearly Sum, and in case of a yearly Sum for such Time as they shall think proper; and in case the Party preferring such Claim feel himself aggrieved by the Award, it shall be lawful for him to appeal to the Commissioners of Her Majesty's Treasury, who shall thereupon make such Order under their Hands as to them shall seem just, and such Order shall be binding on all Parties; and the Compensations awarded as aforesaid shall be raised and paid out of the Police Rate to be made under the Provisions of the Act for regulating the Police in the City of London.

Clause M. A Duty on Grain now subject to Metage to be paid to the Corporation for 10 Years.

LXXIV. And whereas Compensation may become payable by the City to their Officers employed in the Collection of the Revenue arising from the exclusive Right of Metage of Grain, abolished by this Act, and it is just to provide a Fund for such Compensation: The Corporation shall be entitled to receive and take during a Term not exceeding Ten Years from the Thirty-first Day of December One thousand eight hundred and fifty-eight a Duty of Three Farthings, and no more, for every Quarter of all Grain, Seed, and Pulse in respect of which, if this Act had not been passed, they would have been entitled

entitled to a Right of Metage, and Payment of such Duty may be enforced by the Corporation by all such Ways and Means as the Payment of the Sums now payable for Metage may be enforced by them.

Clause N. Application of Duty to Compensations.

LXXV. The Money received in respect of such Duty shall constitute the primary Fund for Payment of such Compensations as may be payable under this Act to any Deputy Meters and others connected with the Metage of Grain, Seed, and Pulse, and so much of the Money so received, and of the Income arising from any Investments under this Enactment, as for the Time being may not be required for Payment of any such Compensation, shall be invested in Government Stocks, Funds, Annuities, or otherwise, as the Corporation may deem fit, in order to provide for such Compensations as may from Time to Time be payable as aforesaid.

Clause O. Separate Accounts to be kept.

LXXVI. The Chamberlain of the City shall keep a separate Account of all Money received in respect of the Duty on Grain, Seed, and Pulse payable under this Act, and of the Application thereof, and of the Investments of any such Money, and the Application of the Produce of such Investments, and of the Money arising from any Sale or Disposition thereof.

Clause P. Provision for Reduction or Cesser of Duty.

LXXVII. The Commissioners of the Treasury, if and when it appears to them that the Amount of the Duty on Grain, Seed, and Pulse granted as aforesaid to the Corporation is greater than is required for paying all such Compensations as aforesaid, may by their Order reduce such Duty to such Rate or Amount as they deem proper, and may, when a sufficient Amount is raised by means of such Duty to provide for the Payment of all such Compensations, order that such Duty shall wholly cease to be payable; and the Surplus, if any, of the Money arising from such Duty, and the Investments thereof, after paying or providing for Payment of all such Compensations, shall be paid into the Receipt of the Exchequer to the Credit of the Consolidated Fund of the United Kingdom.

Clause Q. Provision as to Compensation of Persons continued in the Employ of the Corporation.

LXXVIII. Such of the Deputy Meters and others connected with the Metage of Grain, Seed, and Pulse, who may or but for this Provision would be entitled to receive Compensation under this Act, as the Corporation may be willing to employ in connexion with such Metage, shall not be entitled to any such Compensation while so employed, save in respect of the Difference (if any) between the Emoluments arising from such Employment and the Emoluments in respect of which they would be entitled to Compensation if not so

employed; and no such Deputy Meters or others as aforesaid, being in a competent State of Health, who decline such Employment, shall be entitled to receive any Compensation under this Act.

Clause R. Ward Charities may be apportioned by the Charity Commissioners.

LXXIX. Where upon the Division of the City into new Wards the Limits of a Ward existing at the Time of the passing of this Act, and entitled to the Benefit of a Charity, are altered, the Charity Commissioners for England and Wales may apportion the Benefit of any such Charity between or amongst such new Wards, or Portions thereof (as the Case may require) as formed Parts of the original Ward, in such Manner and in such Proportions as, upon a Consideration of the Purposes of the Charity, the Population of the respective severed Portions of the original Ward, and other Circumstances, they may think fit; and the said Commissioners may also, if they think fit, apportion in like Manner the principal Endowments.

Clause S. Power to make Regulations for preventing Obstructions in Streets.

LXXX. That, in order to prevent Obstructions in the Thoroughfares of the City of London, it shall be lawful for the Commissioner of the City Police, with the Consent of the Court of Mayor and Aldermen, from Time to Time to make Orders, Rules, and Regulations with respect to the driving of Omnibuses, Cabs, and other public Vehicles for the Conveyance of Passengers, and likewise the driving of Carts, Waggons, Vans, or other Carriages for the Conveyance of Goods, Wares, and Merchandises in or through the Streets, Lanes, and Thoroughfares of the City; and such Orders, Rules, and Regulations may specify the Route which such Omnibuses, Carts, and other Vehicles and Carriages shall take, and likewise the Places where and the Time during which such public Vehicles may stand or stop to take up or set down Passengers; and such Orders, Rules, and Regulations may likewise fix the Time during which any such Carts or Carriages for the Conveyance of Goods, Wares, or Merchandises may stop for loading or unloading the same; and if any Person shall disobey any or either of such Rules or Orders, or shall act contrary thereto, he shall for every such Offence be liable to a Penalty not exceeding Forty Shillings: Provided always, that such Rules and Orders shall not be of or have any Force or Effect until One Month after the same shall have been approved under the Hand of One of Her Majesty's Principal Secretaries of State; that within One Week after the said Rules and Orders shall have been so approved by One of Her Majesty's Principal Secretaries of State they shall be signed by the Town Clerk, advertised in One or more of the daily public Newspapers circulated in the Metropolis; Copies thereof shall likewise be posted at the Mansion House, Guildhall, the Royal Exchange, the Custom House, the Post Office, and such other public Places

Places in the City as the Commissioner of the Police may think necessary to make the same generally known.

CLAUSE T. Transfer of Powers to make Bye-laws.

LXXXI. All Powers of making, revising, and approving Byelaws and Regulations which by the Act passed in the Session holden in the Seventh and Eighth Years of the Reign of King George the Fourth, intituled "An Act for the better Regulation of the Water-"men and Lightermen on the River Thames between Yantlet Creek "and Windsor," are vested in the Mayor and Court of Aldermen of London shall, after the passing of this Act, be transferred to and vested in the Conservators of the River Thames appointed by the Thames Conservancy Act, 1857, and shall be exercised by them in the same Manner and subject to the same Conditions as are prescribed by the last-mentioned Act.

CLAUSE U. To enable Freemen of London to take Apprentices for a shorter Period than Seven Years.

LXXXII. It shall be lawful for Freemen of London to take Apprentices for Seven Years, or any shorter Period not less than Three Years which may be agreed on, and under or subject to such Covenants or Agreements on either Part with respect to finding the Apprentice with Meat, Drink, Lodging, or Necessaries during the Term as may be agreed on in that Behalf, and to enrol all such Apprentices in the Court of the Chamberlain of the City of London, and to pay Wages to the Apprentice during the Term, any Law or Custom to the contrary notwithstanding.

Repeal of Acts, Customs, and Charters inconsistent with this Act.

LXXXIII. So much of all Laws, Statutes, Customs, and Usages, and so much of all Royal and other Charters, Grants, and Letters Patent, now in force relating to the City or the Corporation thereof, or any Member or Officers of such Corporation, or to the Citizens, Liverymen, Freemen, or Inhabitants of the City, as are contrary to or inconsistent with the Provisions of this Act, shall be repealed and annulled.

Provision as to Sunday, Good Friday, and Christmas Day, and Fast and Thanksgiving Days.

LXXXIV. When the Day on which any Meeting or Act is by this Act appointed to be holden or done happens to be Sunday, Good Friday, or Christmas Day, or a Day appointed by Royal Proclamation as a Day of Solemn Fast or a Day of Thanksgiving, the same shall be holden or done on the Day next following which does not happen to be one of the Days aforesaid.

Interpretation of Terms: "the City," "the Corporation," "the Common Coun-

LXXXV. For the Purposes of this Act, the whole Space within the exterior Boundaries of the Liberties of the City of London (except the Inner Temple and Middle Temple) shall be deemed Parts of the City of London, and shall be Parts of Wards to be formed under this Act; and in the Construction of this Act "the City" shall mean the City

cil," "Lord Mayor."

City of London, and "the Corporation" shall mean the Mayor and Commonalty and Citizens of the City of London, and "the Common Council" shall mean the Mayor, Aldermen, and Commons of the City of London in Common Council assembled, and "the Lord Mayor" shall mean the Lord Mayor of the City of London.

The

The SCHEDULE to which the foregoing Act refers.

No. 1.

The LIST of VOTERS of the Ward of in the City of London.

Christian Name and Surname of each Voter at full Length.	Nature of the Property rated.	Street, Lane, or other Place in the Ward where the Property is situated.

(Signed) *A.B.*, Ward Clerk of the Ward of .

No. 2.

NOTICE of CLAIM.

To the Town Clerk of the City of London.

I hereby give you Notice, That I claim to have my Name inserted in the Voter's List of the Ward of , and that I occupy [*here describe the House, Warehouse, Counting-house, Office, Chambers for Business, Shop, Wharf, or other Tenement occupied by the Claimant,*] in the Ward, and that I have been rated, or have duly claimed to be rated, in the Ward of [*here state the Time during which the Claimant has been rated, or has claimed to be rated, within the Ward necessary for his Qualification*].

Dated the Day of in the Year .

(Signed) *A.B.* of [*Place of Abode*].

No. 3.

NOTICE of OBJECTION.

To the Town Clerk of the City of London.

I hereby give you Notice, That I object to the Name of in the Ward of

[*describe the Person objected to as described in the Voters List*] being retained on the Voters List of the Ward of

Dated the Day of in the Year .

(Signed) *A.B.*

[*Here state the Situation of the Property for which in the Voters List he is said to be rated.*]

No. 4.

FORM of NOTICE of OBJECTION to be given to the Person objected to.

To Mr.

I hereby give you Notice, That I object to your Name being retained on the Voters List of the Ward of

Dated the Day of in the Year .

(Signed) *A.B.*

[*Here state the Situation of the Property for which in the Voters List he is said to be rated.*]

No. 5.

LIST of CLAIMANTS.

The following Persons claim to have their Names inserted on the Voters List of the Ward of in the City of London.

Christian Name and Surname of each Claimant.	Nature of the Property in respect of which the Claim is made.	Situation of the Property.

(Signed) *A.B.*, Town Clerk.

No. 6.

No. 6.

List of Persons objected to.

The following Persons have been objected to as not being entitled to have their Names retained on the Voters List of the Ward of in the City of London.

Christian Name of each Person objected to.	Nature of the Property for which the Person objected to is said to be rated in the Ward List.	Situation of the Property.

(Signed) *A.B.*, Town Clerk.

No. 7.

Acts of Parliament the Duties, Powers, and Authorities under which are to continue in the Court of Aldermen.

An Act of the Forty-fourth Year of King George the Third, Chapter 89 (Local and Personal), intituled "An Act for the Relief "of certain Incumbents of Livings in the City of London."

An Act of the First and Second Years of King William the Fourth, Chapter 22 (Hackney Carriages).

An Act of the Second and Third Years of Her Majesty, Chapter 94 (Local and Personal), intituled "An Act for regulating the Police "in the City of London."

An Act of the Sixth and Seventh Years of Her Majesty, Chapter 86 (Hackney and Stage Carriages in and near London).

London Corporation.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

For the better Regulation of the Corporation of the City of London.

(*Prepared and brought in by Sir George Grey, Viscount Palmerston, and Mr. Massey.*)

Ordered, by The House of Commons, *to be Printed*, 14 *May* 1858.

[Bill 86.]

Under 5 oz.

2 *July* 1858. 21 & 22 Vict.

(Scotland.)

A

BILL

TO

Amend an Act of the last Session, for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums, in Scotland.

Preamble.

WHEREAS by an Act of the Fifty-fifth Year of His Majesty King George the Third, intituled "An Act to regulate "Madhouses in Scotland," Sheriffs of Counties are authorized to grant Licences for the Reception and Confinement of Lunatics, and have been in use to license separate Portions or Wards of Poorhouses for the Reception of Pauper Lunatics: And whereas by an Act passed in the last Session of Parliament, intituled "An Act for the "Regulation of the Care and Treatment of Lunatics, and for the "Provision, Maintenance, and Regulation of Lunatic Asylums, in "Scotland," District Asylums are appointed to be erected for the Reception of Lunatics; and it is expedient that Provision should be made for the Custody of such Pauper Lunatics till such District Asylums shall be ready for their Reception: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

As to Reception, &c., of Pauper Lunatics in separate Portions of Poorhouses.

I. It shall be lawful for the General Board of Commissioners in Lunacy for Scotland to grant to the Governors or Keepers of Poorhouses Licences for the Reception of Pauper Lunatics in detached or separate Portions or Wards of such Poorhouses, and from Time to Time to renew or withdraw such Licences; and it shall also be lawful for Sheriffs of Counties to grant Orders for the Reception and Confinement of such Lunatics in the Portions or Wards of Poorhouses so licensed, subject always to the Powers, Provisions, Rules, Regulations, and Restrictions in regard to the granting of such Licences and Orders for Admission as are provided and prescribed by the said last-recited Act in regard to private Asylums.

Term of Act.

II. This Act shall continue in force for Five Years from and after the First Day of January One thousand eight hundred and fifty-eight, and no longer.

Amendment.

A

BILL

To amend an Act of the last Session, for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums, in Scotland.

(Prepared and brought in by The Lord Advocate and Mr. Secretary Walpole.)

Ordered, by The House of Commons, *to be Printed,*
2 July 1858.

[Bill 177.]

Under 1 *oz.*

Markets and Fairs (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble.
Interpretation of Terms used in this Act; Sect. 1.
Short Title; 2.
Provisions of Lands Clauses Consolidation Act, 1845, extended to this Act; 3.
Commissioner to be appointed by the Lord Lieutenant; 4.
Lord Lieutenant may appoint an Assistant Commissioner; 5.
Declaration to be made by Commissioner before acting; 6.
Commissioner to have a Common Seal; 7.
Salary to be paid out of Monies to be provided by Parliament; 8.
Power to Commissioner to summon Witnesses; 9.
Penalty for Non-attendance; 10.
Power to Commissioner to proceed upon Affidavit; 11.
Owners to furnish Copy of Schedule of Tolls to the Commissioner; Penalty for Neglect; 12.
On Receipt of Copy of Schedule of Tolls, the Commissioner to revise the same; 13.
Copy of revised Schedule to be transmitted to Owner; 14.
Appeal to Judicial Committee of Privy Council; 15.
Who shall constitute Judicial Committee; 16.
Order and Schedule final; 17.
List of Tolls to be set up in conspicuous Places; 18.
Penalty for Neglect; 19.
Penalty for defacing Board; 20.
Commissioner may after Two Years reconsider Schedule; 21.
Byelaws; 22.
Byelaws to be approved by the Lord Lieutenant in Council; 23.
Copy of Byelaws to be posted in conspicuous Places and on nearest Police Barrack; 24.
Publication of Byelaws; 25.
Penalty for not posting Byelaws; 26.
Constabulary to enforce Regulations of Commissioner; 27.
Upon Application to Lord Lieutenant, where Persons are willing to provide a better Site and Accommodation for any Market or a new Market, Lord Lieutenant may direct Inquiry; 28.

Commissioner to make Inquiry, and may make Provisional Order; 29.

Proceedings on Application; 30.

Order to be suspended if Owner of existing Market or Fair provides additional Accommodation; 31.

Owner desirous of improving any Market or Fair may make Application, and thereupon Inquiry to be made as in other Cases; 32.

Commissioner in Provisional Order to fix Tolls, and Days for holding the Market or Fair; 33.

Order liable to Appeal and Revision; 34.

Saving Rights of Mortgagee; 35.

Owner may purchase Land not exceeding Ten Acres for carrying into effect such Provisional Order; 36.

Owner of Market or Fair may borrow Money; 37.

On Completion of Market or Fair, Tolls to be taken according to the Provisional Order; 38.

Mode of giving Notice; 39.

Sales elsewhere than in Markets prohibited; 40.

Market Days; 41.

A Register of the Quantity of Articles sold in Market or Fair, &c. to be kept; 42.

Markets or Fairs no longer necessary may be discontinued on Application of Grand Jury; 43.

Tolls, &c. how to be payable; 44.

Collectors, Clerks, &c. to be appointed by Owners, as the Case may be; 45.

Officer to make Declaration that he will faithfully discharge his Duties; 46.

Penalty on obstructing Inspector in removing unwholesome Meat; 47.

Penalty for obstructing Market or Fair Keeper; 48.

Power to Justices to give Possession of Toll Houses, &c. to Persons entitled to Tolls, in case of Toll Collectors, &c. discharged or suspended; 49.

Power to lease Tolls; 50.

Power to lease Stalls, &c.; 51.

Lessee, &c. to be deemed Collectors; 52.

Lessee, &c. making default to be removed; 53.

Power of re-letting Tolls; 54.

Power of Parties to settle Disputes at Sales in Fairs or Markets extended to Cases where Amount in difference does not exceed 30*l.*; 55.

Mode

Mode of weighing certain Commodities; 56.

No Allowance to be made in weighing for Beamage, &c.; 57.

Owners of Markets, &c. to provide proper Weights and Measures for weighing Commodities sold; 58.

Inspection of Weights and Measures; 59.

Articles to be weighed, if requested by the Buyer, &c. Penalty for Refusal; 60.

No Person, except Owner of Market, &c., shall erect Machines for weighing Articles sold therein; 61.

Penalty on Persons appointed refusing to weigh, &c.; 62.

Penalty on other Parties committing Frauds as to weighing; 63.

Owner of Market, &c., if required by Commissioner, to keep proper Machines for weighing Carts laden with Goods; 64.

Carts to be weighed at one of the Machines erected by the Owner of Market, &c.; 65.

Penalty on Drivers for refusing take Carts to be weighed, &c.; 66.

Penalties on Drivers of Carts, &c. committing Frauds in weighing; 67.

Penalty on Buyers or Sellers for committing Frauds in weighing; 68.

Penalties for Frauds committed by the Machine Keeper; 69.

Penalty on other Parties committing Frauds as to weighing; 70.

Tolls, &c. when to be paid; 71.

Tolls to be paid to Persons authorized before the same are weighed, &c.; 72.

Tolls in respect of Cattle, when due; 73.

Penalty on taking a greater Toll than authorized by this Act; 74.

Recovery of Tolls by Distress, &c.; 75.

Disputes respecting Tolls how to be settled; 76.

Penalty for obstructing Collector of Tolls, &c.; 77.

Commissioner may alter Byelaws and Schedules; 78.

Recovery of Penalties; 79.

Act not to extend to Dublin, or Markets, &c., under Local Acts; 80.

SCHEDULE.

(Ireland.)

A

BILL

FOR

The Regulation of Markets and Fairs in Ireland.

WHEREAS it is expedient to make further Provision for the Regulation of Markets and Fairs in Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) the Expression "the Lord Lieutenant" shall mean the Chief Governor or Governors of Ireland for the Time being; the Expression "Lord Lieutenant in Council" shall mean the Lord Lieutenant, by and with the Advice of Her Majesty's Privy Council in Ireland; the Word "County" shall include Riding, and shall also include a County of a City or County of a Town; the Word "Town" shall mean and include a City, Town Corporate, Borough, Market Town, or other Town in Ireland; the Expression "the Commissioner" shall mean the Commissioner or Special Commissioners appointed from Time to Time under this Act; the Word "Owner" shall include any Body of Interpretation of Terms used in this Act: "Lord Lieutenant:" "Lord Lieutenant in Council:" "County:" "Town:" "Commissioner:" "Owner:"

of Commissioners and any Corporate Body or Person entitled to any Tolls or Customs in respect of any Market or Fair, or claiming to be so entitled, and in receipt of such Tolls or Customs; the Expression "Tolls" shall extend to and include all Customs, Stallages, Rents, Fees, and other Dues whatsoever payable by any Person using or frequenting any Market or Fair; the Word "Lease" shall include an Agreement for a Lease; the Word "Cart" shall include Waggon and also any Carriage used wholly or chiefly for the Conveyance of Goods; the Word "Driver" shall include the Carter or other Person having the Care of any Cart; the Word "Cattle" shall include any Horse, Mare, Gelding, Foal, Colt, Filly, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine; and the Expression "the Collector" shall mean the Person appointed by the Person or Persons entitled to the Tolls in any Market or Fair to collect the Tolls authorized by this Act, and shall include the Assistants of the Collector; the Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at Dublin; the Word "Justice" shall mean Justice of the Peace acting for the Place where the Matter requiring the Cognizance of any such Justice arises, and if such Matter arise in respect of any Market or Fair situated not wholly in any one Jurisdiction, shall mean a Justice acting for the Place where any Part of such Market or Fair shall be situated; the Word "Person" shall include a Corporation, whether aggregate or sole.

"Tolls:"
"Lease:"
"Cart:"
"Driver:"
"Cattle:"
"Collector:"
"Superior Courts:"
"Justice."
"Person."

Short Title.

II. This Act may be cited as "The Markets and Fairs (Ireland) Act, 1858."

Provisions of Lands Clauses Consolidation Act, 1845, extended to this Act.

III. The several Provisions of the "Lands Clauses Consolidation Act, 1845," (except the Provisions of the said Act which authorize the purchasing or taking of any Lands otherwise than by Agreement,) shall, so far as the same may be applicable to and are not inconsistent with or modified by the Provisions of this Act, be incorporated with and form Part of this Act, and shall be applicable to the Purposes thereof; and in the Construction of this Act and the said incorporated Act this Act shall be deemed to be the Special Act: Provided always, that all Things by the "Lands Clauses Consolidation Act, 1845," required or authorized to be done by the Promoters of the Undertaking may be done by the Owner of any Market or Fair under this Act.

Commissioner to be appointed by the Lord Lieutenant.

IV. It shall and may be lawful for the Lord Lieutenant, by Warrant under his Hand, to appoint a competent Person to be Commissioner under this Act, to be continued in Office so long as the Lord Lieutenant shall deem necessary, and upon every Vacancy in the

the Office of such Commissioner in like Manner to appoint some other competent Person to such Office; and the said Person to be from Time to Time appointed shall be the Commissioner for the Execution of this Act, and shall be styled "The Commissioner of Markets and Fairs in Ireland."

Lord Lieutenant may appoint an Assistant Commissioner.

V. It shall also be lawful for the Lord Lieutenant to appoint an Assistant Commissioner, to aid in the Performance of the Duties of the Commissioner under this Act, to be continued in Office so long as the Lord Lieutenant shall deem necessary; and upon every Vacancy in the Office of such Assistant Commissioner in like Manner to appoint some other competent Person to such Office; and such Assistant Commissioner shall be styled "The Assistant Commissioner of Markets and Fairs in Ireland."

Declaration to be made by Commissioner before acting.

VI. The Commissioner appointed under this Act shall, before he enters upon the Execution of his Office, make the following Declaration before One of the Justices of the Court of Queen's Bench or Common Pleas, or One of the Barons of the Court of Exchequer in Ireland; that is to say,

'I DO solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, fulfil all the Powers and Duties of the Commission under "The Markets and Fairs (Ireland) Act, 1858."'

And the Appointment of such Commissioner, with the Time when and the Name of the Justice or Baron before whom he shall have made the said Declaration, shall be forthwith published in the Dublin Gazette.

Commissioner to have a Common Seal.

VII. The said Commissioner, or the Special Commissioner to be appointed as herein-after provided, shall cause to be made a Seal for his Commission, and shall cause to be sealed therewith all Orders and other Instruments made by or proceeding from the Commissioner or Special Commissioner in pursuance of this Act; and all such Orders and other Instruments, or Copies thereof, purporting to be sealed with such Seal, shall be received in Evidence, without any further Proof thereof or of the Appointment of the Commissioner or Special Commissioner.

Salary to be paid out of Monies to be provided by Parliament.

VIII. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct a Salary, not exceeding Pounds per Annum, to be paid to the Commissioner, and a Salary, not exceeding Pounds, to be paid to the Assistant Commissioner, appointed under this Act; and such Salary, and all incidental Expenses of

of carrying this Act into execution, if any such Expenses be incurred, not herein otherwise provided for, shall be paid out of such Money as shall be provided by Parliament for the Purpose.

Power to Commissioner to summon Witnesses.

IX. It shall be lawful for the Commissioner, by Summons under his Seal, to require the Attendance before him, at a Time and Place to be mentioned in such Summons, of all such Persons as he shall think it necessary to examine in relation to any Inquiry directed or authorized by this Act, or any Question or Matter depending before him as such Commissioner, and to require all such Persons to produce before him all Deeds, Books, Papers, Documents, and Writings relating to such Inquiry, Question, or Matter, and to examine upon Oath, which he is hereby empowered to administer, all Persons who shall under such Summons or voluntarily attend before him as Witnesses.

Penalty for Non-attendance.

X. If any Person required by such Summons to attend before the Commissioner shall, without reasonable Cause, to be allowed by him, fail to appear according to such Summons (having been paid or tendered a sufficient Sum of Money to defray the Charges of his Attendance), or shall refuse to be sworn, or shall not make answer to all such Questions as shall be lawfully put to him by the Commissioner, or shall refuse or fail to produce before the Commissioner any such Deed, Book, Paper, Document, or Writing, being in or under his Custody, Possession, or Power, as shall be lawfully required to be produced by him, he shall be subject to a Penalty for every such Offence not exceeding *Ten Pounds*.

Power to Commissioner to proceed upon Affidavit.

XI. The Commissioner may, if he think fit, receive in Evidence Affidavits, and such Affidavits may be made before any Justice of the Peace, or any Person empowered to take Affidavits, to be used in any of the Superior Courts in Ireland; and all Persons who shall wilfully give false Evidence or otherwise forswear themselves in any such Examination or Affidavit shall upon Conviction thereof be liable to the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are now liable to by Law.

Owners to furnish Copy of Schedule of Tolls to the Commissioners.

XII. All Persons claiming or levying any Tolls at or on account of any Fair or Market in Ireland (save Trustees, Commissioners, Corporations, or other Persons authorized under any local Act of Parliament, and save such Persons as are Owners of Markets in the City of Dublin,) shall, within *Ten* Days after they shall respectively be required so to do by Notice in Writing under the Hand of the Commissioner, furnish to the Commissioner a true Copy of the Schedule of such Tolls, and the Names of the Person collecting and of

of the Person or Corporation claiming Right to the same, as such Particulars appear upon the Board erected at the principal Entrance of such Fair or Market, under the Provisions of the Statute Fifty-seventh George the Third, Chapter One hundred and eight, or otherwise; and the Party so furnishing the said Copy shall previously to its Transmission to the said Commissionner duly verify the same by his Declaration, to be by him duly made before a Justice of the Peace; and any Person declining or neglecting to furnish such Copy of such Schedule, duly verified, within the Time hereby provided, shall be liable to a Penalty not exceeding *Five Pounds* for each and every Week or Part of a Week during which he or they shall so decline or neglect to furnish the same after the Expiration of the Period aforesaid.

57 G. 3. c. 108. s. 1.

Penalty for Neglect.

XIII. The Commissioner, upon Receipt of such verified Copy, shall proceed to revise the same, and may alter, vary, add to, diminish, or omit the Items thereof, either in the whole or in part, and include therein new Subjects in respect of which Tolls shall be payable, not exceeding the Tolls mentioned in the Schedule to this Act; and upon the Completion of such Revision the said Commissioner shall return such new or revised Schedule, attested under his Seal, together with a Provisional Order, attested in like Manner, directing that the said new or revised Schedule shall, after the Lapse of *Two* Months from the Date of such Order, be adopted, and be the Schedule of the Tolls to be levied and demanded at such Fair or Market.

On Receipt of Copy of Schedule of Tolls, the Commissioner to revise the same.

XIV. The Commissioner shall forthwith cause a Copy of the said Order and Schedule to be transmitted by Post to such Owner, and Notice thereof to be given in manner herein-after directed.

Copy of revised Schedule to be transmitted to Owner.

XV. It shall be lawful for such Owner or any Person aggrieved to appeal against any Rule, Order, or Adjudication of the Commissioner, to the Privy Council in Ireland, within *One Month* after Notice thereof, as herein-after directed; and such Appeal shall be heard and reported on by the Judicial Committee of the Privy Council, and the Orders of the Privy Council shall be made according to the Reports of such Judicial Committee.

Appeal to Judicial Committee of Privy Council.

XVI. The said Judicial Committee shall consist of the Lord High Chancellor of Ireland for the Time being, and such of the Members of the said Privy Council as shall from Time to Time hold any of the following Offices in and for Ireland; (that is to say,) of Lord Keeper or First Lord Commissioner of the Great Seal of Ireland, Lord Chief Justice or Judge of the Court of Queen's Bench, Master of the Rolls, Lord Chief Justice or Judge of the Court of Common

Who shall constitute Judicial Committee.

Pleas, Lord Chief Baron or Baron of the Court of Exchequer, Lord Justice of the Court of Appeal in Chancery, and Judge or Commissary of Her Majesty's Court of Prerogative for Causes Ecclesiastical and Court of Faculties in and throughout Ireland, and of all Persons Members of the said Privy Council who shall hold the Office of Lord Chancellor of Ireland, or any of the other Offices herein-after mentioned, and of such other Persons, not exceeding *Four* in Number, being Privy Councillors in Ireland, as the Lord Lieutenant shall appoint to be Members of such Committee; and no such Appeal as aforesaid shall be heard or reported on by the said Judicial Committee unless in the Presence of at least *Four* Members of the said Committee, and no Report on such Appeal shall be made unless a Majority of the Members of such Committee present at the Hearing concur in such Report.

Order and Schedule final.

XVII. The Order and Schedule (if no Appeal, or if Appeal against, then such Order and Schedule as settled by the Privy Council,) shall be final and conclusive, unless altered as herein-after mentioned.

57 G. 3. c. 108. s. 1. List of Tolls to be set up in conspicuous Places.

XVIII. Immediately upon such final Settlement of the said Schedule of Tolls the Tolls therein specified shall be the only Tolls which can be legally taken or claimed in the Market or Fair to which such Schedule shall apply; and all Persons collecting Tolls, or claiming a Right to the Tolls so collected, at any such Fair or Market in Ireland, shall erect, affix, and keep up, at all Times during the entire of the Days on which such Markets and Fairs are held, in some conspicuous Place at each of the principal Entrances of the same, a Board having painted thereon in large and legible Characters an exact Copy of such revised or altered Schedule, so that such Boards may be referred to and examined by any Person desirous of so doing.

57 G. 3. c. 108. s. 2. Penalty for Neglect. 57 G. 3. c. 108. s. 3.

XIX. Every Person who shall demand any Toll or Custom, without having previously erected such Board, and duly kept up and maintained the same as aforesaid, or who shall demand any Toll or Custom not specified on such Board, shall forfeit for every such Offence the Sum of *Forty Shillings*, and shall refund the Amount of such illegal Toll to the Person improperly charged therewith: Provided, however, that in case it shall appear that any Toll Board shall have been defaced or removed by Violence, then such Collector shall not be liable to such Penalty, unless he shall neglect to reinstate such Board as soon as the same may be reasonably done.

57 G. 3. c. 108. s. 4. Penalty for defacing Board,

XX. Every Person who shall deface or remove any such Board, or shall be engaged in any Riot in which any such Board shall be defaced or removed, shall, in addition to any criminal Punishment he may thereby incur, also forfeit a Sum not exceeding *Five Pounds*.

XXI. The

XXI. The Commissioner may, at any Time after the Expiration of *Two* Years from the Settlement of any Schedule of Tolls, on the Application of the Owner, or of *Twenty-one* or more Persons rated to the Relief of the Poor to the Value of *Eight Pounds* and upwards, residing in the Town or Place at which such Market or Fair is held, or within *Three* Miles thereof, proceed to reconsider, revise, and settle such Schedule; and all the Powers, Directions, and Provisions herein-before contained in relation to the original Revision of any Schedule of Tolls, and the Provisional Order to be made thereon, and the Right of Appeal therefrom, shall apply to such new Revision, as if the same were here repeated. Commissioner may, after Two Years, reconsider Schedule.

XXII. The Commissioner may from Time to Time, with such Approval as is herein-after required, make Byelaws for the Regulation of any Fair or Market, or generally of all Fairs and Markets in Ireland (except such Fairs and Markets as are regulated by any Local Act of Parliament, or held under the Provisions of any Local Act, or held in the Borough of Dublin), and for carrying the Purposes of this Act into execution, provided such Byelaws be not repugnant to the Laws of that Part of the United Kingdom, and may also, with the like Approval, from Time to Time repeal or alter any such Byelaws; and the Commissioner by such Byelaws may impose such reasonable Penalties as he shall think fit, not exceeding *Five Pounds* for each Breach thereof. Byelaws.

XXIII. No such Byelaws shall come into operation until approved of by the Lord Lieutenant in Council, and the same shall thereupon be published in the "Dublin Gazette," and a Copy thereof lodged with the Clerk of the Peace of any and every County in which the Fair or Market, or any Part thereof intended to be affected by such Byelaws, is situate. Byelaws to be approved by the Lord Lieutenant in Council.

XXIV. A Copy of each of such Byelaws shall be transmitted to the Owner of each Fair or Market to which they shall apply; and such Owner shall thereupon erect and keep up in some conspicuous Part of the said Fair or Market during the entire of the Days on which the same are held a Board, having painted thereon in large and legible Characters an exact Copy of each of such Byelaws, and shall also cause a written or printed Copy of each of such Byelaws to be posted on any Constabulary Barrack which shall be situate within, or, if there be none such, then on any Constabulary Barrack which shall be most contiguous to such Fair or Market. Copy of Byelaws to be posted in conspicuous Places and on nearest Police Barrack.

XXV. The Publication of such Byelaws in the "Dublin Gazette," and the posting of the same on some Constabulary Barrack, as herein- Publication of Byelaws.

before provided, shall be conclusive Evidence of the making, Allowance, and due Publication of the said Byelaws, and the said Byelaws shall thereupon be (until repealed or altered as aforesaid) as binding and conclusive as if the same had been expressly enacted herein.

Penalty for not posting Byelaws.

XXVI. Every Owner who shall neglect, within *One Month* from the Receipt of such Byelaws, to erect and keep up a Board having painted thereon a Copy of each of such Byelaws, shall for the First Offence forfeit the Sum of *Forty Shillings*, and for every such additional Offence he shall forfeit the Sum of *Five Pounds*.

Constabulary to enforce Regulations of Commissioner.

XXVII. The Constabulary of the County in which each Fair or Market is situate shall be charged with the Duty of preserving Order therein, and shall use their best Exertions to enforce the Byelaws and other Regulations of the Commissioner, and carry the same and this Act into effect and operation.

Upon Application to Lord Lieutenant, where Persons are willing to provide a better Site and Accommodation for any Market or a new Market, Lord Lieutenant may direct Inquiry.

XXVIII. Upon the Application to the Lord Lieutenant of *Twenty-one* or more Persons rated to the Relief of the Poor to the Value of *Eight Pounds* or upwards in any County or Town in Ireland, complaining of Inconvenience arising in such Town or in any Part of such County within *Seven* Miles of the Residence of such Persons, from the Want of a Market or Fair, or from the Want of a sufficient Number thereof, or from the Insufficiency or Inconvenience of the Site of any such Market or Fair as may be there held, or from the Want of proper Accommodation therein, (whether Tolls shall be levied in such Market or Fair, or otherwise,) and representing that the Applicants, or some or One of them, or some other Person named in such Application, are or is willing to provide an eligible Site for a Market or Fair in such Town or in such Part of such County, together with the requisite Accommodation for the same, it shall be lawful for the Lord Lieutenant, if he shall see fit, by his Warrant to direct the Commissioner, and in case the Office of Commissioner under this Act shall have been discontinued, some competent Person as a Special Commissioner, to make Inquiry into the Matter of such Application, and otherwise to proceed in relation thereto under the Provisions of this Act.

Commissioner to make Inquiry, and may make Provisional Order.

XXIX. The Commissioner shall, as soon as conveniently may be after being directed to make such Inquiry as aforesaid, go to the Town or Place where the existing Market or Fair is holden, or where it is proposed that a Market or Fair shall be established, and there make Inquiry into the Matter of such Application, and hold One or more Sittings for that Purpose, and may adjourn any such Sitting from Time to Time, and shall give Notice of the said Order of the Lord

Lord Lieutenant, and of the Time and Place of his First Sitting, by publishing the same in some Newspaper usually circulated in such Town or Place, and by Notice in Writing to the Owner of such existing Market or Fair, or of the Market or Fair usually holden nearest to the Place at which it is proposed that such new Market or Fair shall be established, which Notice shall be delivered to the Owner, or left at his usual Place of Residence, or transmitted to him thereat through the Post Office.

Proceedings on Application.

XXX. If the Commissioner shall find that the Allegations in such Application are well founded, he shall ascertain and determine whether or not the Site proposed to be provided is eligible, and the Accommodation sufficient, and may make a Provisional Order under his Seal declaring that upon such Site and Accommodation being provided within a Time to be limited by such Order the Person or Persons providing the same will be entitled to hold a Fair or Market, as the Case may be, and take the Tolls specified therein; and the said Commissioner in and by such Provisional Order shall fix and declare the Time and Place of holding such Fair or Market, the Tolls, if any, to be taken, and such other Particulars as shall appear to such Commissioner to be necessary.

Order to be suspended if Owner of existing Market or Fair provides additional Accommodation.

XXXI. In case the Owner of any existing Market or Fair, the Site whereof or the Accommodation wherein is complained of as inconvenient or insufficient, or the Owner of any other Market or Fair who would be prejudicially affected by the Establishment of any proposed new Market or Fair, shall be willing, and offer at any Sitting of the Commissioner, before he shall have made any Provisional Order, to provide the requisite Site and Accommodation, the Commissioner shall suspend the making of such Provisional Order for such Time as may appear to him proper for providing such Site and Accommodation; or if such Owner so desire, the Commissioner may make such Provisional Order as aforesaid in favour of such Owner: Provided that if such Owner shall not provide the necessary Accommodation within the Time limited, then the Commissioner shall at once issue his Provisional Order to the proper Person or Persons, and cancel his Provisional Order in favour of such Owner.

Owner desirous of improving any Market or Fair may make Application, and thereupon Inquiry to be made as in other Cases.

XXXII. Upon the Application to the Lord Lieutenant by the Owner of any Market or Fair, representing that he is desirous of providing an improved Site for the same, or of enlarging or otherwise improving the same or the Accommodation therein, provided he be authorized to levy Tolls and other Charges therein, it shall be lawful for the Lord Lieutenant, if he think fit, to direct the Commissioner to make Inquiry into the Matter of such Application, and the Commissioner shall thereupon proceed to make such Inquiry in manner herein-before

provided in other Cases of Inquiries directed to be made by him, and shall ascertain and determine whether or not the carrying into effect of the Proposals made by such Application, either with or without any Variation therein, would be beneficial, and of sufficient Benefit to justify the establishing in such Market or Fair of any Tolls and Charges, and in case he find in the Affirmative he may make a Provisional Order in relation thereto, in like Manner as herein-before provided in other Cases; and if it shall appear to the Commissioner that the Boundaries of such Market or Fair require to be altered for the Purpose of carrying into effect the Proposals made by such Application, the Commissioner may alter such Boundaries accordingly, and in such Case he shall set forth in detail the Alterations in such Boundaries, with the Ground of making the same, in such Provisional Order.

Commissioner in Provisional Order to fix Tolls, and Days for holding the Market or Fair.

XXXIII. The Commissioner in and by every such Provisional Order as aforesaid shall appoint and fix the Tolls to be taken in the Market or Fair to which the same relates, not exceeding the Tolls mentioned in the Schedule to this Act, and shall fix the Days on which the Market or Fair shall be holden; and a Copy of every such Provisional Order shall be transmitted by Post to the Owner, and Notice thereof given as herein-after provided.

Order liable to Appeal and Revision.

XXXIV. Every such Provisional Order and Schedule shall be liable to be appealed from, and to be from Time to Time revised and altered as herein-before provided.

Saving Rights of Mortgagee.

XXXV. Nothing herein contained shall prejudice the Rights of any Person who shall have advanced Money to any Owner of any Market or Fair upon Security, by way of Mortgage or otherwise, of the Tolls of such Market or Fair; and the Tolls arising or to arise under the Provisions of this Act shall be liable to the Payment of the Sum due for Principal or Interest on such Security, as fully and effectually as the Tolls of such Market or Fair were liable before the passing of this Act.

Owner may purchase Land not exceeding Ten Acres for carrying into effect such Provisional Order.

XXXVI. It shall be lawful for the Owner of any Market or Fair, upon such Provisional Order being made in his Favour as aforesaid, to purchase by Agreement any Land not exceeding in the whole *Ten* Acres, for the Purposes of providing an improved Site for such Market or Fair, or making convenient Approaches thereto, or of enlarging or otherwise improving the same or the Accommodation therein, under the Provisions of this Act.

Owner of Market or Fair may

XXXVII. The Owner of any Market or Fair may borrow at Interest on the Security of the Lands appropriated to such Market or Fair,

or

or any Property purchased for such improved Site, and of such Tolls and Charges as he may be authorized to levy under the Provisions of this Act, such Sums as he may think necessary for such Purposes, and may accordingly grant Mortgages of the Tolls, Rates, Stallages, Rents, and Payments, or any of them, authorized by this Act, and the Property appropriated for such Market or Fair, or purchased for the improved Sites of such Markets or Fairs, or any Part thereof, to the Person advancing the Money, or his Nominee, as a Security for the same. borrow Money.

XXXVIII. When any Market or Fair, or the additional Accommodation for the same mentioned in any Provisional Order under this Act, shall be completed and fit for Use, to the Satisfaction of the Commissioner, Notice thereof shall be published by him in the "Dublin Gazette," and in One or more Newspapers circulated in the Neighbourhood of the Market or Fair, and such Publication shall be conclusive Evidence of such Completion, and also that all previous Steps and Proceedings have been duly taken, and thereupon such Market or Fair shall be deemed a legal Market or Fair, and the several Tolls to be taken at such Market or Fair, which are fixed in such Provisional Order, shall become payable to the Persons or Person mentioned in such Order, their and his respective Heirs and Assigns, or to their respective Officers: Provided always, that previously to the opening of any such Market or Fair the Schedules of Tolls and Copy of the Byelaws shall be painted and posted as herein-before provided, and any Byelaw for the Regulation of all Markets and Fairs generally shall be construed to extend to every such Market or Fair, unless it be by express Words exempted from the Operation thereof. On Completion of Market or Fair, Tolls to be taken according to the Provisional Order.

XXXIX. Whenever Notice is herein-before directed to be given of any Order made or Schedule revised or settled by the Commissioner, such Notice shall be given by Publication of a Copy thereof in One or more Newspapers circulated in the Neighbourhood of the Market or Fair to which such Notice shall apply, and by posting printed Copies thereof at such Places as the Commissioner shall direct. Mode of giving Notice.

XL. After any Market or Fair shall have been opened for public Use, under the Provisions of this Act, every Person, other than a Licensed Hawker, who shall sell or expose for Sale, in any Place within the Limits of the Market, except in his own Dwelling House or Shop, any Articles in respect of which Tolls are by this Act authorized to be taken in the Market, shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings*. Sales elsewhere than in Markets prohibited.

Market Days.

XLI. After any Market or Fair, or Place for Fairs, is opened for public Use, the Owner of such Market or Fair shall hold Markets and Fairs therein on the Day prescribed by the Commissioner, and on such other Days as the Commissioner shall appoint, from Time to Time, by any Byelaw to be made in pursuance of this Act.

A Register of the Quantity of Articles sold in Market or Fair, &c. to be kept.

XLII. The Person entitled to the Tolls of any Market or Fair in Ireland shall always keep therein a Register containing such Particulars of the Quantity of the Articles sold in such Market or Fair, and the Prices thereof, and such other Particulars relating to such Market or Fair as the Commissioner shall by his Provisional Order direct; and every such Person who shall refuse or neglect to keep such Register, and every Person appointed to weigh any Articles sold in such Market or Fair who shall refuse or neglect to enter such Particulars in such Register, shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings*.

Markets or Fairs no longer necessary may be discontinued, on Application of Grand Jury.

XLIII. Upon the Application to the Lord Lieutenant of the Grand Jury of any County in Ireland, representing that any Market or Fair held within such County is unnecessary, and prejudicial to the Interests of the Locality wherein the same is held, and that for this or any other Reason such Market or Fair should, in the Opinion of such Grand Jury, cease to be held, it shall be lawful for the Lord Lieutenant, if he shall think fit, to direct the Commissioner to make Inquiry into the Matter of such Representation, and the Commissioner shall thereupon proceed to make such Inquiry in the Manner herein-before provided in other Cases of Inquiries directed to be made by him, and shall ascertain and determine whether or not such Market or Fair should cease to be held, and in case he should find in the Affirmative he may make a Provisional Order in relation thereto, in like Manner as herein-before provided in other Cases, directing that such Market or Fair shall cease to be held after the Lapse of *Three* Months from the Date of such Order; and every such Provisional Order shall be liable to be appealed from to the Privy Council in Ireland, and such Appeal shall be heard and determined as herein-before provided in respect of Appeals in other Cases: Provided always, that if there be no Appeal within the Time limited for Appeals under the Provisions of this Act, or if the Report on such Appeal shall affirm such Order, Notice of such Order shall be given in the Dublin Gazette and in One or more Newspapers circulated in the Neighbourhood of such Market or Fair, and from and after the Time specified in such Order such Market or Fair shall cease to be a legal Market or Fair within the Meaning of this Act; and any Person holding such Market or Fair after the Time so specified, or levying

or

or demanding any Tolls therein, shall be subject to a Penalty for every such Offence not exceeding *Ten Pounds*.

Tolls, &c. how to be payable.

XLIV. So far as conveniently may be, all such Tolls as shall be receivable by virtue of this Act shall be levied and paid at the Entrance to the Market or Fair, and always beforehand and in anticipation of the Use or Enjoyment of the Easement or Accommodation in respect of which the same is or are payable, and no Sub-Sale or subsequent Dealing in respect of the whole or any Part of any Article or Number of Articles once admitted to the Market or Fair, and in respect of which the proper Sum shall have been paid as required by this Act, shall subject the same or any Part thereof to any further or other Charge, Burden, or Imposition for the Residue of the Day upon which such Payment shall have been made.

Collectors, Clerks, &c. to be appointed by Owners, as the Case may be.

XLV. The Person entitled to Tolls in any Market or Fair under this Act shall appoint and always maintain such Collectors and other Officers for the Regulation of the Market or Fair, and for the Preservation of Order therein, as the Commissioner shall deem requisite and by the Provisional Order direct, and may from Time to Time remove and dismiss all or any of such Officers, and appoint others to fill the Situation or Situations so made vacant; and in case such Person shall wilfully neglect or refuse, for the Space of *Three* Months after such Provisional Order shall have been in force, to comply with the Directions contained therein, it shall be lawful for the Commissioner to cancel such Provisional Order, authorizing such Person to levy Tolls in such Market or Fair; and Notice of the cancelling of such Provisional Order shall be published by the Commissioner in the "Dublin Gazette," and in One or or more Newspapers circulated in the Neighbourhood of the Market or Fair, and such Publication shall be conclusive Evidence of the cancelling of such Provisional Order.

Officer to make Declaration that he will faithfully discharge his Duties.

XLVI. Every Officer so appointed shall, before entering on the Duties of his Office, make a Declaration before some Justice of the Peace that he will faithfully and honestly discharge the Duties of such Office, which Declaration any Justice of the Peace is hereby authorized to take.

Penalty on obstructing Inspector in removing unwholesome Meat.

XLVII. Any Officer appointed by the Owner of the Market or Fair, or any Constable, may seize all unwholesome Meat or Provisions exposed for Sale in a Market or Fair, and carry the same before a Justice, and such Justice shall thereupon deal with the Case according to Law; and every Person who shall obstruct or hinder such Officer or Constable from seizing or carrying away such unwholesome Meat

or Provisions shall be liable to a Penalty not exceeding *Forty Shillings* for every such Offence.

Penalty for obstructing Market or Fair Keeper.

XLVIII. Every Person who shall assault or obstruct any Constable or Person appointed to superintend the Market or Fair or to keep Order therein, whilst in the Execution of his Duty, shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings*.

Power to Justices to give Possession of Toll Houses, &c. to Persons entitled to Tolls, in case of Toll Collectors, &c. discharged or suspended.

XLIX. If any Collector or other Officer be discharged or suspended from his Office, under the Provisions of this Act, or die, or absent himself, and if such Collector or other Officer, or any of his Family or Representatives, refuse or neglect, after *Twenty-four* Hours Notice in Writing for that Purpose, to deliver up to the Owner of any Market or Fair under this Act, or to any Person appointed by him for that Purpose, any Toll House, Dwelling House, Office, or other Building, with its Appurtenances, or any Weighing Machine, Beam, Scales, or Weights, or any Books, Papers, or other Matters belonging to any such Owner, in the Possession or Custody of any such Collector or other Officer at the Occurrence of any such Event as aforesaid, in right of his Appointment, then, upon Application being made by such Owner to any Two Justices of the Peace, it shall be lawful for such Justices to order any Constable, with proper Assistance, to enter upon such Toll House, Dwelling House, Office, or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Weighing Machine, Beam, Scales, Weights, Books, Papers, or other Matters, and to deliver the same to the Owner of such Market or Fair, or any Person appointed by him for that Purpose.

Power to lease Tolls.

L. The Owner of any Market or Fair may from Time to Time demise and let the Market Places or any Part of them, and the Weighing Houses or Places, and Machines or any of them, Stallages, Rents, or Tolls, to which such Person or Persons are entitled under this Act, or any of them, for any Period not exceeding *Three* Years, upon such Terms as may be agreed upon between such Person or Persons and the Person to whom such Lease is made.

Power to lease Stalls, &c.

LI. The Owner of any Market or Fair may let any of the Stalls, Standing Places, Benches, or other Conveniences in the Market Places, to any Person for any Term not exceeding *Three* Years.

Lessee, &c. to be deemed Collectors.

LII. During the Continuance of any such Lease, the Lessee, and also all Persons appointed by him or them to collect the Tolls and Rates so let, shall be deemed Collectors of Tolls and Rates so let, and they shall have the same Powers to collect and recover

recover such Tolls and Rates, and be subject to the same Rules, Duties, and Penalties in reference thereto, as if they had been appointed for that Purpose by the Owner of such Tolls and Rates.

Lessee, &c. making default to be removed.

LIII. If any Lease shall have become void or voidable, according to any Stipulation therein contained for that Purpose, by reason of the Failure on the Part of the Lessee to comply with any of the Terms of such Lease, or if all or any Part of the Rent thereby reserved shall be in arrear and unpaid for *Twenty-one* Days after the same shall have become payable, then, upon Application made by the Owner of the Tolls or Rates so let to any Justice of the District, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon any Toll House, Dwelling House, Office, Weighing Machine, or other Building belonging to such Owner, and to remove from the same the Lessee or Assignee, or Collector or other Person found therein, together with his Goods, and take possession thereof, and of all Property found therein belonging to the Owner of such Tolls or Rates so let, and deliver the same to him, or any Person authorized by him for that Purpose.

Power of re-letting Tolls.

LIV. Upon such Possession being obtained, it shall be lawful for the Owner of the Tolls or Rates so let to determine the Lease, if any, previously subsisting, and the same shall accordingly be utterly void, except as to the Remedies of the Lessors for Payment of the Rent due, or for unperformed or broken Obligations or Conditions on the Lessee's Part, all of which Remedies shall remain in force; and in every Case, either during such Proceeding or on the Determination thereof, the Owners of such Tolls and Rates may again let the Tolls and Rates to any Person, or cause them to be collected, in the same Manner as if no such Lease had been made relative thereto.

Power of Parties to settle Disputes at Sales in Fairs or Markets extended to Cases where Amount in difference does not exceed 30*l.*

LV. And whereas by the "Summary Jurisdiction (Ireland) Act 1851," it is enacted, that whenever any Dispute shall arise between any Buyer and Seller relating to the Terms of Sale, Delivery, Price, or Payment for any Article, Matter, or Thing which shall be exhibited for Sale in any Fair or Market (and which shall not be of a greater Value than Five Pounds), it shall be lawful for any Justice within his Jurisdiction either to proceed at once to hear and determine such Dispute, upon the Complaint of either Party, and in Presence of both Parties, and after causing all Parties to be brought before him for that Purpose, or to adjourn the Hearing thereof to the next Petty Sessions of the District; and it shall be lawful for such Justices, or the Justices at such Petty Sessions, having examined into the said Complaint, upon the Oath of either of the Parties, or of any Witness or Witnesses, to make an Award thereon according to the

Merits of the Case, and such Award shall be in Writing, and shall have the like Force and Effect as any Order made at Petty Sessions: The said Enactment shall extend and be applicable in the Case of any Dispute which shall arise between any Buyer and Seller relating to the Sale, or Terms of Sale, Delivery, Prices, or Payment for any Article, Matter, or Thing in any Fair or Market where the Amount or Value of the Sum or Matter in dispute does not exceed *Thirty Pounds*.

Mode of weighing certain Commodities.

LVI. All Sales to be made at any Market or Fair in Ireland of any Corn, Potatoes, Hay, Straw, Flax, Green Food for Cattle, Carcases of Beef, dead Pigs, Butter, Wool, Hides and Skins, shall be made by the following Weights, or some Multiple or Sub-multiple thereof respectively, from and after such Period as shall be fixed by the Lord Lieutenant, and specified in a Notice to be inserted in the "Dublin Gazette;" that is to say, the Pound, the Stone of Fourteen Pounds, the Quarter Hundred of Twenty-eight Pounds, the Half Hundred of Fifty-six Pounds, the Hundredweight of One hundred and twelve Pounds, or by the Ton of Twenty such Hundredweight; all Imperial Standard Weight.

No Allowance to be made in weighing for Beamage, &c.

LVII. All Articles, of what Nature or Kind soever, which shall be weighed at any such Market or Fair, shall be weighed and paid for at their just Weights, net Standing Beam, without any Deductions or Allowances, whether for Tret, Beamage, or Porterage, or otherwise howsoever, the Weight of any Vessel, Sack, Bag, Firkin, or other Thing (if any) containing the same alone excepted; and any Person taking any such Allowance or Deduction, with or without the Consent of the Seller, or buying or selling any Article by any Weight different from those herein specified, shall forfeit and pay for every such Offence any Sum not exceeding *Forty Shillings*, and also such further Sum or Sums of Money to the Seller, as Compensation for any such Deductions, Allowances, or Substitutions of Weights, as the said Justices shall in that Behalf award.

Owners of Markets, &c. to provide proper Weights and Measures for weighing Commodities sold.

LVIII. The Person entitled to the Tolls of any Market or Fair shall provide and always maintain sufficient and proper Weighing Houses, or Places for weighing or measuring the Commodities sold in the Market or Fair, and shall keep therein proper Weights, Scales, and Measures, according to the Standard Weights and Measures for the Time being for weighing and measuring such Commodities as aforesaid, and shall, subject, however, to the Provisions in that Behalf herein-before contained, appoint proper Persons to attend to the weighing or measuring such Commodities at all Times during which the Market or Fair is holden.

LIX. The

Inspection of Weights and Measures.

LIX. The Person entitled to Tolls in any Market or Fair may, at such Times as shall appear to him or them reasonable, not being less than Once in every *Three* Months, require any Person appointed by the Grand Jury of any County to be an Inspector of Weights and Measures within the District in which any such Market or Fair shall be situate, or any Head or other Constable who shall have been selected to be an ex-officio Inspector of Weights and Measures within such District, to inspect the Weights and Measures used by any Person for the Sale of any Article in such Market or Fair, and the Inspector or ex officio Inspector respectively shall thereupon execute the Duties of his Office in such Market or Fair, with the like Powers, Liberties, and Indemnities as if he had been duly required by the Grand Jury of the County, or by the Justices at Petty Sessions respectively, to perform such Duties, and shall be subject to the like Penalties for any Neglect or Offence in the Discharge of such Duties as any Inspector of Weights and Measures may be liable to under and by virtue of an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Sixty-three; and any Person who shall use in such Market or Fair any Weight or Measure, other than those authorized by the said last-recited Act, for the Sale of any Article, shall on Conviction thereof be subject to the like Penalties for such Offence as any Person may be liable to for the like Offence under and by virtue of an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Ninety-two.

14 & 15 Vict. c. 92. s. 18.

Articles to be weighed if requested by the Buyer, &c.

LX. Every Person selling or offering for Sale any Articles in any Market or Fair shall, if required so to do by the Buyer, or, in case of Sale, by the Owner of such Fair or Market, or any Person deputed by him, cause the same to be weighed or measured by the Weights and Scales or Measures provided as aforesaid; and any such Person who shall refuse, on Demand, to cause such Articles to be weighed or measured in manner aforesaid, shall be liable to a Penalty not exceeding *Forty Shillings;* and this Provision shall extend to Persons offering Articles for Sale within the Limits of any Market Town on Days other than the usual and accustomed Market Days.

Penalty for Refusal.

No Person, except Owner of Market, &c. shall erect Machine for weighing Articles sold therein.

LXI. From and after the *passing of this Act*, it shall not be lawful for any Person or Persons, other than the Owner or Owners of the Market or Fair, to erect any Crane or other Machinery within such Market or Fair, for the Purpose of weighing, for Hire or otherwise, any Article sold, to be sold, or exposed for Sale at the said Market or Fair; and any Person found offending against this Provision shall for every Article he shall so weigh be liable to a Penalty not exceeding *Forty Shillings*.

Penalty on Persons appointed refusing to weigh, &c.

LXII. Every Person appointed to weigh or measure any Articles sold in the Market or Fair who shall refuse or neglect to weigh or measure the same, when required, shall be liable to a Penalty not exceeding *Forty Shillings*.

Penalty on other Parties committing Frauds as to weighing.

LXIII. Every Person who shall knowingly act or assist in committing any Fraud respecting the weighing or Weight of any Article, in pursuance of this Act, shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings*.

Owner of Market, &c., if required by Commissioner, to keep proper Machines for weighing Carts laden with Goods.

LXIV. If the Commissioner shall by any Order so direct, the Owner of any Market or Fair shall provide sufficient and proper Buildings or Places for weighing Carts in which Goods are brought for Sale within such Market or Fair, and shall keep therein Machines and Weights proper for that Purpose, and shall from Time to Time appoint a Person in every such Building or Place to afford the Use of such Machines to the Public by weighing such Carts, with or without their Loading, as may be required.

Carts to be weighed at One of the Machines erected by the Owner of Market, &c.

LXV. The Driver of every such Cart shall, at the Request of the Buyer or Seller of such Goods, or his Agent, take such Cart, with or without the Loading thereof, to the nearest of the said Weighing Machines, and shall permit the same to be weighed; and if such Cart be weighed with its Load thereupon, the Driver shall, if required, take such Cart, after its Load has been discharged, to the Weighing Machine nearest to such Place of Discharge, and permit it to be re-weighed without such Load; and if any such Driver shall for the Purposes aforesaid be required to take such Cart a greater Distance than *Half a Mile*, including the going to and returning from such Machines respectively, the Owner of the Cart shall be paid for every Horse which shall be used in drawing such Cart *Twopence* for the First Half Mile, and a like Sum for every additional Half Mile; and such Payment shall be made by the Person requiring such Cart to be weighed as aforesaid, before the Driver shall be obliged to take it as aforesaid for the Purpose of having it weighed.

Penalty on Drivers for refusing to take Carts to be weighed, &c.

LXVI. The Driver of any such Cart who shall not, upon being so requested as aforesaid, and having such Payment made or tendered as aforesaid, take the same to such Weighing Machine as herein-before directed, or who shall refuse to assist in the weighing of the same, shall forfeit to the Person requiring such Cart to be weighed a Sum not exceeding *Twenty Shillings*.

Penalties on Drivers of Carts, &c.

LXVII. Every Driver of any such Cart weighed at any Weighing Machine to be provided in pursuance of this Act, who shall commit any

any of the following Offences, shall be liable to a Penalty not exceeding *Five Pounds* for each Offence; (that is to say,) committing Frauds in weighing.

If he at the Time of weighing any such Cart knowingly have anything in or about the same other than the proper Loading thereof:

If he alter any Ticket denoting the Weight of any such Cart or the Loading of the same:

If he make or use, or be privy to making or using, any Ticket falsely stating the Weight of any such Cart or the Loading thereof:

If he, after the weighing of any such Cart with the Loading thereof, remove any Part of such Loading, and afterwards dispose of or attempt to dispose of or represent the Residue of such Loading as being the full Loading denoted by such Ticket:

If he, between the Time when the Cart and the Loading thereof have been so weighed and the Time when such Cart so weighed without such Loading, change the Wheels of such Cart, or make any other Change upon it after being required to allow such Cart to be weighed without the Loading thereof:

If he be guilty of any other fraudulent Contrivance to misrepresent the Weight of any such Cart or of the Loading thereof.

LXVIII. If the Buyer or Seller of any Goods brought in any Cart for Sale within the Market or Fair, and which shall be required to be weighed as aforesaid, shall do anything to such Cart or its Loading whereby the true Weight thereof respectively shall be altered before such weighing, he shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*. Penalty on Buyers or Sellers for committing Frauds in weighing.

LXIX. The Person for the Time being appointed to keep any Weighing Machine provided in pursuance of this Act shall be liable to a Penalty not exceeding *Five Pounds*, in any of the following Cases; that is to say, Penalties for Frauds committed by the Machine Keeper.

If he wilfully neglect, on Application, duly to weigh any Cart, with or without its Loading, as the Case may be, that is brought to the Machine kept by him to be weighed:

If he do not fairly weigh every such Cart, with or without its Loading, as the Case may be:

If he do not deliver to the Buyer or Seller of any such Loading, or to any Person interested therein, on Application, a Ticket or Account specifying the true Weight of such Cart, with or without its Loading, as may be required:

If he give to the Driver of any such Cart a false Ticket or Account of the Weight of such Cart, with or without the Loading thereof:

If he weigh any Cart, with or without its Loading, knowing that anything had been done to such Cart or to the Loading thereof to alter the true Weight thereof respectively:

If he knowingly assist in or connive at any Fraud concerning the weighing of any Cart or the Loading thereof, or make or connive at making any false Representation of the Weight of the same respectively.

Penalty on other Parties committing Frauds as to weighing.

LXX. Every Person who shall knowingly aid or assist in committing any Fraud respecting the weighing or Weight of any Cart or the Loading thereof, in pursuance of this Act, shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*.

Tolls, &c. when to be paid.

LXXI. The Tolls of the Market or Fair shall be paid from Time to Time, on Demand, as and when the same shall become due, to the Collector or other Person authorized to receive the same.

Tolls to be paid to Persons authorized before the same are weighed, &c.

LXXII. The Tolls payable in respect of weighing or measuring marketable Commodities, or Carts, with or without Goods, shall be paid to the Person authorized to weigh or measure the same, by the Persons bringing such marketable Commodities or Carts to be weighed or measured, before the same are weighed or measured.

Tolls in respect of Cattle when due.

LXXIII. The Tolls in respect of Cattle brought to the Market or Fair for Sale shall become due as soon as the Cattle in respect whereof they are demandable are brought to the Market Place or Place for Fairs, and before the Cattle are put into any Pen or tied up therein; and if the Cattle be not removed within One Hour after the Close of the Market or Fair, another Toll shall become due in respect of the Cattle so omitted to be removed.

Penalty on taking a greater Toll than authorized by this Act.

LXXIV. Every Person who shall demand or receive a greater Toll than that authorized to be taken under the Provisions of this Act shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings*.

Recovery of Tolls by Distress, &c.

LXXV. If any Person liable to the Payment of any Tolls authorized by this Act to be taken do not pay the same, when demanded, any Person authorized to collect the same may levy the same by Distress of all or any of the Cattle or other Articles in respect of which such Tolls are payable, or of any other Cattle or other Articles in the Market or Fair belonging to the Person liable to pay the same, or the same may be recovered in any Court having competent Jurisdiction.

Disputes respecting Tolls how to be settled.

LXXVI. If any Dispute arise concerning any such Tolls, such Dispute shall be determined by a Justice; and such Justice shall, on Application

Application made to him, determine the same, and make such Order therein, and award such Costs to either Party, as to him shall seem proper; and in default of Payment, on Demand, of the Money which shall be so awarded, and of the Costs, the same shall be forthwith levied by Distress, and the Justice shall issue his Warrant accordingly.

Penalty for obstructing Collector of Tolls, &c.

LXXVII. Every Person who shall assault or obstruct any Person authorized to collect any Tolls authorized by this Act shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*, or to be imprisoned for any Time not exceeding *Three* Months.

Commissioner may alter Bye-laws and Schedules.

LXXVIII. It shall and may be lawful for the said Commissioner from Time to Time to alter or vary any Schedule of Tolls, and the Byelaws and other Regulations relating to any Fair or Market, when and as often as it shall become necessary so to do by reason of any Change to be authorized by Parliament in the Amount, Denomination, Mode of Computation or otherwise of or in the Standard Weights and Measures now in use in Ireland.

Recovery of Penalties. 14 & 15 Vict. cc. 92, 93.

LXXIX. The Provisions of "The Summary Jurisdiction (Ireland) Act, 1851," and of "The Petty Sessions (Ireland) Act, 1851," shall, so far as the same are applicable, extend to all Offences for which any pecuniary Penalty or Forfeiture is by this Act imposed.

Act not to extend to Dublin, or Markets, &c. under Local Acts.

LXXX. This Act shall extend only to Ireland; and nothing herein contained, save and except the Provisions for regulating the Mode of weighing certain Commodities contained in Sections Fifty-six and Fifty-seven, and the Provisions contained in Section Forty-two, requiring a Register of the Quantity of Articles sold in Markets or Fairs and other Particulars to be kept, shall extend to or affect the Borough of Dublin, or any Market or Fair regulated by any Local Act of Parliament, or held under the Provisions of any such Local Act.

SCHEDULE.

Tolls payable at Markets and Fairs.

For every covered or uncovered Shed, Stall, Bulk, Block, Bench, Trestle, Standing Place, Compartment, Space, or Station used by any Person for exposing for Sale Flesh Meat, Cheese, Bacon, pickled Pork, Fish, or any other Victuals, Vegetables, Fruit, Glass, Earthenware, or other Goods, Articles, Commodity, Matter, or Thing whatsoever, except as herein otherwise specifically provided, the following Tolls and Customs per Day shall be taken:—

	s.	*d.*
Not exceeding Three Feet by Three Feet		
Not exceeding Six Feet by Five Feet		
Not exceeding Nine Feet by Five Feet		
Not exceeding Twelve Feet by Five Feet		

And in the same Proportion for any larger Space.

For any Person exposing for Sale any Article, Matter, or Thing, and not occupying any Shed, Stall, Bulk, Block, Trestle, or Station, or any defined Compartment or Space on the Surface of the Ground:—

If the Spot on which such Person shall stand be within the covered Market—

For any Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing, for each Day the Sum of *Three Halfpence.*

If the Spot be not situated within the covered Market—

	s.	*d.*
For any Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing, for each Day the Sum of		
For the Carcase of every Bull, Ox, Steer, Cow, or Heifer, or any Part thereof, by any Person not occupying a Stall		
For the Carcase of every Calf, Pig, or Sheep by any Person not occupying a Stall		

Carts.

For the Space occupied by every Cart or other Vehicle used by any Person for exposing or in which shall be exposed for Sale any Article, Commodity, or Thing, the following Rents per Day:—

	s.	*d.*
If drawn by One Horse		
By Two Horses		
If drawn by any One other Animal		
Or if by Two other Animals		

Cattle.

Cattle.

For the Exposure to Sale of Horses or other Beasts, Cattle, or Pigs as follows; (that is to say,)

	s.	*d.*
For every Horse, Mare, or Gelding		
For every Mule, Ass, Colt, Filly, or Foal		
For every Bull, Ox, Cow, Heifer, or Steer		
For every Stallion exposed or shown on a Market Day		
For every Calf		
For every Score of Sheep or Lambs		
For every Score of Pigs		
For every Score of Sucking Pigs		

And so in proportion for any greater Number, and One or more, not exceeding Five, to be paid for as a Quarter of a Score.

Weighing and Measuring.

For weighing every Piece of Meat, or any other Article or Thing, weighing not more than Twenty Pounds Avoirdupoise		
For weighing every Piece of Meat, or other Article or Thing, weighing more than Twenty Pounds and not exceeding One hundred Pounds		

And so on in proportion for any greater or smaller Quantity than One hundred Pounds Weight over and above One hundred Pounds Weight.

For measuring any Quantity of Goods and Things sold by Measure, not exceeding One Bushel		
For measuring every Quantity more than a Bushel and not exceeding Two Bushels		
And for every Bushel beyond Two Bushels		

Weighing Machines.

For weighing any Cart or other Carriage, laden or unladen, the Sum of *One Halfpenny* per Hundredweight.

Markets and Fairs (Ireland).

A

BILL

For the Regulation of Markets and Fairs in Ireland.

(*Prepared and brought in by Mr. Henry Herbert and Mr. Attorney General for Ireland.*)

Ordered, by The House of Commons, *to be Printed,* 8 *February* 1858.

[Bill 11.]

Under 4 *oz.*

Markets and Fairs (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

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(Ireland.)

A

BILL

[AS AMENDED IN COMMITTEE]

FOR

The Regulation of Markets and Fairs in Ireland.

[Note.—*The Clauses marked* A. *to* T. *were added in Committee.*]

WHEREAS it is expedient to make further Provision for the Regulation of Markets and Fairs in Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) the Expression "the Lord Lieutenant" shall mean the Chief Governor or Governors of Ireland for the Time being; the Expression "Lord Lieutenant in Council" shall mean the Lord Lieutenant, by and with the Advice of Her Majesty's Privy Council in Ireland; the Word "County" shall include Riding, and shall also include a County of a City or County of a Town; the Word "Town" shall mean and include a City, Town Corporate, Borough, Market Town, or other Town in Ireland; the Expressions "the Commissioner" and "the Assistant Interpretation of Terms used in this Act: "Lord Lieutenant:" "Lord Lieutenant in Council:" "County:" "Town:" "Commissioner:"

Assistant Commissioner" shall mean the Commissioner or Assistant Commissioner appointed from Time to Time under this Act; the
"Owner:" Expressions "Owner" or "Owner of the Market or Fair" shall include any Body of Commissioners, and any Body Corporate or Person entitled or claiming to be entitled to hold any Market or Fair in Ireland, whether in respect of the Ownership of the Land on which the Market or Fair is holden, or under any Patent Grant from the Crown, or from any Person entitled to grant or convey the same, and whether authorized to levy Tolls in such Market or Fair or not;
"Tolls:" the Expression "Tolls" shall extend to and include all Customs, Stallages, Piccage, Cranage, Rents, Fees, and other Dues whatsoever payable by any Person using or frequenting any Market or Fair; the
"Lease:" Word "Lease" shall include an Agreement for a Lease; the Word
"Cart:" "Cart" shall include Waggon and also any Carriage used wholly
"Driver:" or chiefly for the Conveyance of Goods; the Word "Driver" shall include the Carter or other Person having the Care of any Cart;
"Cattle:" the Word "Cattle" shall include any Horse, Mare, Gelding, Foal, Colt, Filly, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine; and the Expression "the
"Collector:" Collector" shall mean the Person appointed by the Owner of any Market or Fair to collect the Tolls authorized by this Act, and shall include the Assistants of the Collector; the Expression
"Superior Courts:" "Superior Courts" shall mean Her Majesty's Superior Courts of Record at Dublin; the Word "Justice" shall mean Justice of the
"Justice:" Peace acting for the Place where the Matter requiring the Cognizance of any such Justice arises, and if such Matter arise in respect of any Market or Fair situated not wholly in any One Jurisdiction, shall mean a Justice acting for the Place where any Part of such Market
"Person." or Fair shall be situated; the Word "Person" shall include a Corporation, whether aggregate or sole.

Short Title. II. This Act may be cited as "The Markets and Fairs (Ireland) Act, 1858."

Provisions of Lands Clauses Consolidation Act, 1845, extended to this Act. III. The several Provisions of the "Lands Clauses Consolidation Act, 1845," shall, so far as the same may be applicable to and are not inconsistent with or modified by the Provisions of this Act, be incorporated with and form Part of this Act, and shall be applicable to the Purposes thereof; and in the Construction of this Act and the said incorporated Act this Act shall be deemed to be the Special Act: Provided always, that all Things by the "Lands Clauses Consolidation Act, 1845," required or authorized to be done by the Promoters of the Undertaking, may be done by the Owner of any Market or Fair under this Act.

IV. It

Commissioner to be appointed by the Lord Lieutenant.

IV. It shall and may be lawful for the Lord Lieutenant, by Warrant under his Hand, to appoint a competent Person to be Commissioner under this Act, to hold such Office during the Pleasure of the Lord Lieutenant, and upon every Vacancy in the Office of such Commissioner in like Manner to appoint some other competent Person to such Office; and the said Person to be from Time to Time appointed shall be the Commissioner for the Execution of this Act, and shall be styled "The Commissioner of Markets and Fairs in Ireland."

Lord Lieutenant may appoint an Assistant Commissioner.

V. It shall also be lawful for the Lord Lieutenant to appoint an Assistant Commissioner, to aid in the Performance of the Duties of the Commissioner under this Act, to hold such Office during the Pleasure of the Lord Lieutenant; and upon every Vacancy in the Office of such Assistant Commissioner in like Manner to appoint some other competent Person to such Office; and such Assistant Commissioner shall be styled "The Assistant Commissioner of Markets and Fairs in Ireland."

Declaration to be made before acting.

VI. Each Commissioner or Assistant Commissioner appointed under this Act shall, before he enters upon the Execution of his Office, make the following Declaration before One of the Justices of the Court of Queen's Bench or Common Pleas, or One of the Barons of the Court of Exchequer in Ireland; that is to say,

'I DO solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, fulfil all the Powers and Duties of the Commission under "The Markets and Fairs (Ireland) Act, 1858."'

And the Appointment of such Commissioner or Assistant Commissioner, with the Time when and the Name of the Justice or Baron before whom he shall have made the said Declaration, shall be forthwith published in the Dublin Gazette.

Commissioner to have a Common Seal.

VII. The Commissioner shall cause to be made a Seal for his Commission, and shall cause to be sealed therewith all Orders and other Instruments made by or proceeding from the Commissioner or Assistant Commissioner in pursuance of this Act; and all such Orders and other Instruments, or Copies thereof, purporting to be sealed with such Seal, shall be received in Evidence, without any further Proof thereof or of the Appointment of the Commissioner or Assistant Commissioner.

Salary to be paid out of Monies to be provided by Parliament.

VIII. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct a Salary, not exceeding Pounds per Annum, to be paid to the Commissioner, and a Salary, not exceeding

ceeding ..... Pounds per Annum to be paid to the Assistant Commissioner, appointed under this Act; and such Salary, and all incidental Expenses of carrying this Act into execution, if any such Expenses be incurred, not herein otherwise provided for, shall be paid out of such Money as shall be provided by Parliament for the Purpose.

Power to summon Witnesses.

IX. It shall be lawful for the Commissioner or Assistant Commissioner, by Summons under his Seal, to require the Attendance before him, at a Time and Place to be mentioned in such Summons, of all such Persons as he shall think it necessary to examine in relation to any Inquiry directed or authorized by this Act, or any Question or Matter depending before him as such Commissioner or Assistant Commissioner, and to require all such Persons to produce before him all Deeds, Books, Papers, Documents, and Writings relating to such Inquiry, Question, or Matter, and to examine upon Oath, which he is hereby empowered to administer, all Persons who shall under such Summons or voluntarily attend before him as Witnesses.

Penalty for Non-attendance.

X. If any Person required by such Summons to attend before the Commissioner or Assistant Commissioner shall, without reasonable Cause, to be allowed by him, fail to appear according to such Summons (having been paid or tendered a sufficient Sum of Money to defray the Charges of his Attendance), or shall refuse to be sworn, or shall not make answer to all such Questions as shall be lawfully put to him by the Commissioner or Assistant Commissioner, or shall refuse or fail to produce before the Commissioner or Assistant Commissioner any such Deed, Book, Paper, Document, or Writing, being in or under his Custody, Possession, or Power, as shall be lawfully required to be produced by him, he shall be subject to a Penalty for every such Offence not exceeding Ten Pounds.

Power to Commissioner to proceed upon Affidavit.

XI. The Commissioner or Assistant Commissioner may, if he think fit, receive in Evidence Affidavits, and such Affidavits may be made before any Justice of the Peace, or any Person empowered to take Affidavits, to be used in any of the Superior Courts in Ireland; and all Persons who shall wilfully give false Evidence or otherwise forswear themselves in any such Examination or Affidavit shall upon Conviction thereof be liable to the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are now liable to by Law.

Clause A. Owners, if required by Commissioner, shall

XII. Every Owner of a Market or Fair in Ireland (save and except Trustees, Commissioners, or Corporations under any Local Act of Parliament, and Owners of Markets in the City of Dublin,) shall,

shall, within One Month after being required so to do by Notice under the Seal of the Commission, served personally on or left at the Dwelling House of such Owner, furnish to the Commissioner the original Patent or other Instrument giving the Right to hold such Market or Fair, or such Evidence thereof, if not capable of being produced, as it may be in his Power to give, together with a short Statement or Abstract setting forth his Title to such Market or Fair, and in case such Owner shall claim to be authorized to levy Tolls in such Market or Fair he shall also furnish a true Copy of the Schedule of Tolls specified on the Board erected at the Entrance of such Market or Fair, under the Provisions of an Act passed in the Fifty-seventh Year of the Reign of His Majesty King George the Third, Chapter One hundred and eight; and in case any such Owner shall, without reasonable Excuse, neglect or refuse to furnish such Statement of his Title to hold such Market or Fair, or such Copy of the Schedule of Tolls, he shall be liable to a Penalty of Five Pounds for each and every Week he shall neglect so to do after the Expiration of the said Period of One Month; and in case he shall neglect so to do for the Period of One Year he shall forfeit and absolutely lose all Right to hold such Market or Fair: Provided always, that it shall be lawful for the Commissioner, in case he shall so think fit, to enlarge or extend the said Period of One Month hereinbefore limited for the Purposes aforesaid.

furnish their Title to hold a Market or Fair, together with Schedule of Tolls levied.

CLAUSE B.

XIII. The Commissioner, upon being satisfied of the Right and Title of any Person to be the Owner of any Market or Fair, shall make an Order to that Effect, and he shall cause the same to be published in the Dublin Gazette and in such local Newspaper as he shall direct.

Commissioner to make an Order declaring Owner's Title.

CLAUSE C.

XIV. The Person named in any such Order, or in any Order made in respect of the Ownership of any new or proposed Market or Fair, or any Person thinking himself aggrieved by any such Order, may appeal against the same, within Three Calendar Months after the Publication of such Notice in the Dublin Gazette; and such Appeal shall be by a summary Petition to One of the Superior Courts of Law in Dublin, stating the Order appealed from, and the Grounds of such Appeal, and praying that such Order may be reversed, amended, or varied, in the Manner therein to be mentioned.

Person named in Order, and Person considering himself aggrieved, may appeal by summary Petition to Superior Courts.

CLAUSE D.

XV. The Court to which such Appeal shall be made shall for the Purpose of such Appeal have all the Powers and Authority conferred upon the Commissioner under this Act, and may vary, alter, reverse, or suspend the Operation of the Order of the Commissioner, and if such Court shall think fit may declare a different Person from the Person

Proceedings upon Appeal to Judges of Superior Courts.

named by the Commissioner to be the Owner of such Market or Fair; and the Order made upon such Appeal shall forthwith, or in case of on Appeal then the Order of the Commissioner shall after the Lapse of the said Period of Three Months, be conclusive of the Title of the Person named therein, and declared thereby to be the Owner of such Market or Fair.

CLAUSE E. After Title of Owner of Market or Fair conclusively established, Commissioner to settle and revise Copy of Schedule of Tolls.

XVI. When the Title of any Person to be the Owner of any Market or Fair shall have been conclusively established as aforesaid, and when an Order declaring any Person Owner of any proposed Market or Fair shall have been made, the Commissioner shall and may proceed to settle or revise the Schedule of Tolls to be demanded and taken in such Market or Fair or proposed Market or Fair, whether Tolls shall have been previously levied therein or not; provided that the Tolls on any Article mentioned in such Schedule shall not exceed the Tolls set forth in the Schedule to this Act annexed, and that Tolls shall not be payable in respect of any Article which is not included in the Schedule to this Act annexed; and the said Schedule of Tolls so settled or revised shall be signed by the Commissioner, and sealed with his Seal of Office, and delivered to the Owner; but the same may be appealed from by the Owner, or by any Person thinking himself to be aggrieved thereby, in the same Manner as an Order declaring the Owner of a Market or Fair may be appealed from under the Provisions of this Act: Provided always, that every Person, other than the Owner, who shall so appeal, shall give Security by Recognizance, with Two sufficient Sureties, to be entered into before the Commissioner or some Justice of the Peace in Ireland, conditioned to prosecute the Appeal, and abide the Order of the Court.

CLAUSE F. In case no Accommodation, or insufficient Accommodation, Commissioner may order Accommodation to be provided within a limited Time.

XVII. In case it shall appear to the Commissioner that no Accommodation or insufficient Accommodation is given or provided in any Market or Fair by the Owner, for the Reception and Exposure for Sale of Cattle or any Articles in respect of which Tolls are payable, the Commissioner may, by an Order under his Hand and Seal of Office, direct that the Accommodation specified in such Order shall be given or afforded within the Time therein limited for that Purpose; and the Commissioner may order that until such Accommodation shall be complete, or the Order in that Behalf altered or rescinded, the Tolls payable in such Market or Fair, or some Portion thereof, to be specified therein, shall not be levied.

CLAUSE G. In case Accommodation is provided, Commissioner is to give a

XVIII. In case the Accommodation specified in the Order of the Commissioner, or in any Order made upon Appeal therefrom, shall have been completed at or before the Time thereby limited for that Purpose, the Commissioner shall give a Certificate under his Hand and Seal of Office to the Owner of such Market or Fair, certifying that the

the Accommodation specified in such Order of the Commissioner, or in such Order made upon Appeal therefrom, has been provided; and in case such Accommodation shall not have been provided within the Time limited for such Purpose, the Commissioner may apply for and obtain a Writ of Mandamus forth of Her Majesty's Court of Queen's Bench in Ireland, according to the usual Practice of that Court, to compel the Owner of such Market or Fair to provide the Accommodation specified in the Order directing the same to be made; and in case the Owner of such Market or Fair shall neglect or refuse to provide such Accommodation for Twelve Calendar Months after such Order shall have been made, and a Copy thereof served on such Owner as aforesaid, or such other Time as the Commissioner or Court of Appeal may direct, the Commissioner may, by an Order under his Hand and Seal of Office, subject to Appeal as herein-after mentioned, declare that in consequence of the Neglect of such Owner to complete such Accommodation within the Time limited as aforesaid the Right of such Owner to hold such Market or Fair shall cease and determine; provided that the Commissioner may extend and enlarge the Time limited by such Order, or any Order made upon Appeal therefrom, for the Completion of the Accommodation specified in such Order; and every such Order of the Commissioner for such Accommodation, and every Order declaring that the Right of the Owner to hold such Market or Fair shall cease and determine, may be appealed from to One of the Superior Courts of Law in Ireland, within such Period, and subject to the like Regulations, and determined in the like Manner, as is herein-before provided in respect of Appeals from the Order of the Commissioner as to the Ownership of Markets or Fairs.

Certificate; otherwise may apply for Mandamus to compel Completion.

XIX. Immediately upon such final Settlement of the said Schedule of Tolls the Tolls therein specified shall be the only Tolls which can be legally taken or claimed in the Market or Fair to which such Schedule shall apply; and all Persons collecting Tolls, or claiming a Right to the Tolls so collected, at any such Fair or Market in Ireland, shall erect, affix, and keep up, at all Times during the entire of the Days on which such Markets and Fairs are held, in some conspicuous Place at each of the principal Entrances of the same, a Board having painted thereon in large and legible Characters an exact Copy of such Schedule of Tolls, so that such Boards may be referred to and examined by any Person desirous of so doing.

List of Tolls to be set up in conspicuous Places.

XX. Every Person who shall demand any Toll or Custom, without having previously erected such Board, and duly kept up and maintained the same as aforesaid, or who shall demand any Toll or Custom not specified on such Board, shall forfeit for every such Offence the Sum of Forty Shillings, and shall refund the Amount of

Penalty for Neglect. 57 G. 3. c. 108. s. 3.

such illegal Toll to the Person improperly charged therewith: Provided, however, that in case it shall appear that any Toll Board shall have been defaced or removed by Violence, then such Collector shall not be liable to such Penalty, unless he shall neglect to reinstate such Board as soon as the same may be reasonably done.

57 G. 3. c. 108. s. 4. Penalty for defacing Board.

XXI. Every Person who shall deface or remove any such Board, or shall aid or assist in defacing or removing the same, shall for every such Offence forfeit a Sum not exceeding Five Pounds, or be liable to be imprisoned for any Period not exceeding Two Months.

Commissioner may, after Five Years, reconsider Schedule.

XXII. The Commissioner may, at any Time after the Expiration of Five Years from the Settlement of any Schedule of Tolls, on the Application of the Owner, or of Twenty-one or more Persons rated to the Relief of the Poor to the Value of Eight Pounds and upwards, residing in the Town or Place at which such Market or Fair is held, or within Three Miles thereof, proceed to reconsider, revise, and settle such Schedule; and all the Powers, Directions, and Provisions herein-before contained in relation to the original Settlement of any Schedule of Tolls, and the Right of Appeal therefrom, shall apply to such new Revision, as if the same were here repeated.

Byelaws.

XXIII. The Commissioner may from Time to Time, with such Approval as is herein-after required, make Byelaws for the Regulation of any Fair or Market, or generally of all Fairs and Markets in Ireland (except such Fairs and Markets as are regulated by any Local Act of Parliament, or held under the Provisions of any Local Act, or held in the Borough of Dublin), and for carrying the Purposes of this Act into execution, provided such Byelaws be not repugnant to the Laws of that Part of the United Kingdom, and may also, with the like Approval, from Time to Time repeal or alter any such Byelaws; and the Commissioner by such Byelaws may impose such reasonable Penalties as he shall think fit, not exceeding Five Pounds for each Breach thereof.

Byelaws to be approved by the Lord Lieutenant in Council.

XXIV. No such Byelaws shall come into operation until approved of by the Lord Lieutenant in Council, and the same shall thereupon be published in the "Dublin Gazette," and a Copy thereof lodged with the Clerk of the Peace of any and every County in which the Fair or Market, or any Part thereof intended to be affected by such Byelaws, is situate.

Copy of Byelaws to be posted in conspicuous Places and on nearest Police Barrack.

XXV. A Copy of each of such Byelaws shall be transmitted to the Owner of each Fair or Market to which they shall apply; and such Owner shall thereupon erect and keep up, in some conspicuous Part of the said Fair or Market, during the entire of the Days on which the same are held, a Board, having painted thereon in large and legible Characters

Characters an exact Copy of each of such Byelaws, and shall also cause a written or printed Copy of each of such Byelaws to be posted at or near any Constabulary Barrack which shall be situate within or shall be most contiguous to such Fair or Market.

Publication of Byelaws.

XXVI. The Publication of such Byelaws in the "Dublin Gazette," and the posting of the same at or near some Constabulary Barrack, as herein-before provided, shall be conclusive Evidence of the making, Allowance, and due Publication of the said Byelaws, and the said Byelaws shall thereupon be (until repealed or altered as aforesaid) as binding and conclusive as if the same had been expressly enacted herein.

Penalty for not posting Byelaws.

XXVII. Every Owner who shall neglect, within One Month from the Receipt of such Byelaws, to erect and keep up a Board having painted thereon a Copy of each of such Byelaws, shall for the First Offence forfeit the Sum of Forty Shillings, and for every such additional Offence he shall forfeit the Sum of Five Pounds.

Constabulary to enforce Regulations of Commissioner.

XXVIII. The Constabulary of the County in which each Fair or Market is situate shall be charged with the Duty of preserving Order therein, and shall keep or cause to be kept free from Obstruction and Nuisance all Passages and Thoroughfares leading unto or through such Market or Fair, and shall compel all Drivers of Cattle and Carts and Owners of Articles in respect of which Tolls are payable, resorting to such Market or Fair, to go with their Goods to the Place where the Market or Fair is holden, provided there is Room and Accommodation therein for such Cattle, Carts, or Articles, and shall generally use their best Exertions to enforce the Byelaws and other Regulations of the Commissioner, and carry the same and this Act into effect and operation.

Upon Application to Lord Lieutenant, where Persons are willing to provide a better Site for any Market or a new Market, Lord Lieutenant may direct Inquiry.

XXIX. Upon the Application to the Lord Lieutenant of Twenty-one or more Persons rated to the Relief of the Poor to the Value of Eight Pounds or upwards in any County or Town in Ireland, complaining of Inconvenience arising in such Town or in any Part of such County from the Want of a Market or Fair, or from the Want of a sufficient Number thereof, or from the Insufficiency or Inconvenience of the Site of any such Market or Fair as may be there held, or from the Day or Days on which the same has been previously held, and representing that the Applicants, or some or One of them, or some other Person named in such Application, are or is willing to provide an eligible Site for a Market or Fair in such Town or in such Part of such County, together with the requisite Accommodation for the same, it shall be lawful for the Lord Lieutenant, if he shall think fit,

by his Warrant to direct the Commissioner to make Inquiry into the Matter of such Application, and otherwise to proceed in relation thereto under the Provisions of this Act.

Commissioner to make Inquiry, and may make Order thereon.

XXX. The Commissioner shall, as soon as conveniently may be after being directed to make such Inquiry as aforesaid, go to the Town or Place where the existing Market or Fair is holden, or where it is proposed that a Market or Fair shall be established, and there make Inquiry into the Matter of such Application, and hold One or more Sittings for that Purpose, and may adjourn any such Sitting from Time to Time, and shall give Notice of the said Order of the Lord Lieutenant, and of the Time and Place of his First Sitting, by publishing the same in some Newspaper usually circulated in such Town or Place, and by Notice in Writing to the Owner of such existing Market or Fair, or of the Market or Fair usually holden nearest to the Place at which it is proposed that such new Market or Fair shall be established, which Notice shall be delivered to the Owner, or left at his usual Place of Residence, or transmitted to him thereat through the Post Office, at least One Month previous to the Time of such First Sitting.

Clause H. Commissioner, by Order, to declare the Owner of Market and the Accommodation to be provided.

XXXI. After making such Inquiry as aforesaid, the Commissioner may make an Order under his Seal of Office, declaring that a Market or Fair shall thenceforth be held in the said Town or Place at such Times as he shall therein specify, and in such Case he shall also declare who shall be the Owner of such Market or Fair, and what shall be the Accommodation to be provided by such Owner for the holding of the same, and the Time within which the same shall be provided, and the Tolls to be taken and levied at such Market or Fair, or so many of such Particulars or such other Particulars as shall appear to the Commissioner to be necessary; and such Order shall be subject to Appeal, as herein-before provided with respect to an Order declaring the Owner of any Market or Fair; and such Order, if not appealed from for the Period of Three Months from the making thereof, or if appealed from then as the same shall be affirmed or varied on Appeal, shall be final and conclusive as to the several Rights and Duties declared and enjoined therein.

Clause I. When Accommodation provided Certificate to be given.

XXXII. When the Owner of any proposed new Market or Fair, or the Owner of any existing Market or Fair, shall have completed the Accommodation directed by the Commissioner or the Court to be provided for that Purpose, the Commissioner may give such Owner a Certificate stating that such Accommodation has been provided; and any such Owner receiving such Certificate, and in other respects complying with the Requirements of this Act, shall be entitled from the Date

Date of the Certificate to hold the said Market or Fair, and levy the Tolls specified in the Schedule of Tolls fixed by the Commissioner; provided that in case the Owner shall not have provided the Accommodation specified in the Order within the Time limited for that Purpose, the Commissioner may, upon the Expiration of the Time so limited, cancel the Order he shall have made in favour of such Owner, and make such further Order in favour of any other Persons whom he may declare to be entitled thereto, or, in case he shall so think fit, may apply for and obtain a Mandamus forth of the Court of Queen's Bench to compel the Person already declared to be the Owner of the Market or Fair to provide the Accommodation so directed as aforesaid.

Saving Rights of Mortgagee.

XXXIII. Nothing herein contained shall prejudice the Rights of any Person who shall have advanced Money to any Owner of any Market or Fair upon Security, by way of Mortgage or otherwise, of the Tolls of such Market or Fair; and the Tolls arising or to arise under the Provisions of this Act shall be liable to the Payment of the Sum due for Principal or Interest on such Security, as fully and effectually as the Tolls of such Market or Fair were liable before the passing of this Act.

Owner may purchase Land not exceeding Ten Acres for carrying into effect such Provisional Order

XXXIV. It shall be lawful for the Owner of any Market or Fair to purchase Land, in such Place as the Commissioner shall approve, not exceeding in the whole Ten Acres, for the Purposes of providing an improved or enlarged Site for such Market or Fair, or making convenient Approaches thereto, or of enlarging or otherwise improving the same or the Accommodation therein, under the Provisions of this Act; and for effecting such Purchase "The Railways Act (Ireland), 1851," so far as the Provisions of the same can be made applicable to this Act, shall be held to extend thereto, and the Commissioner shall for the foregoing Purposes be invested with the Powers, Authorities, and Duties of the Arbitrator named in said recited Act, and all Things authorized to be done by the said Act by the Promoters of the Undertaking may be done by the Owner of the Market or Fair under this Act.

Owner may borrow Money.

XXXV. The Owner of any Market or Fair may borrow at Interest, on the Security of the Lands appropriated to such Market or Fair, or any Property purchased for such improved Site, and of such Tolls and Charges as he may be authorized to levy under the Provisions of this Act, such Sums as he may think necessary for such Purposes, and may accordingly grant Mortgages of the Tolls authorized by this Act, and of the Property appropriated for such Market or Fair, or purchased for the improved Sites of such Markets or Fairs, or any Part thereof, to the Person advancing the Money, or his Nominee, as a Security for the same.

On Completion of Market or Fair, Tolls to be taken according to the Order.

XXXVI. When any Market or Fair, or the additional Accommodation for the same mentioned in any Order under this Act, shall be completed and fit for Use, to the Satisfaction of the Commissioner, Notice thereof shall be published by him in the "Dublin Gazette," and in One or more Newspapers circulated in the Neighbourhood of the Market or Fair, and such Publication shall be conclusive Evidence of such Completion, and also that all previous Steps and Proceedings have been duly taken, and thereupon such Market or Fair shall be deemed a legal Market or Fair, and the several Tolls to be taken at such Market or Fair, which are fixed in such Order, shall become payable to the Persons or Person mentioned in such Order, their and his respective Heirs and Assigns, or to their respective Officers: Provided always, that previously to the opening of any such Market or Fair the Schedule of Tolls and Copy of the Byelaws shall be painted and posted as herein-before provided, and any Byelaw for the Regulation of all Markets and Fairs generally shall be construed to extend to every such Market or Fair, unless it be by express Words exempted from the Operation thereof.

Mode of giving Notice.

XXXVII. Whenever Notice is herein-before directed to be given of any Order made or Schedule revised or settled by the Commissioner, such Notice shall be given by Publication of a Copy thereof in One or more Newspapers circulated in the Neighbourhood of the Market or Fair to which such Notice shall apply, and by posting printed Copies thereof at such Places as the Commissioner shall direct.

Sales elsewhere than in Markets prohibited.

XXXVIII. After any Market or Fair shall have been opened for public Use, under the Provisions of this Act, every Person who shall sell or expose for Sale, on the Day or Days on which such Market or Fair is holden, in any Place within the Limits of the Market or Fair, except in his own Dwelling House or Shop, any Articles in respect of which Tolls are by this Act payable and have not been paid, or who shall publicly sell or expose for Sale, or who shall weigh for Hire, any Articles for the weighing of which at the Market or Fair Scale Tolls are payable, within Three Miles of such Market or Fair Scales, on the Day or Days aforesaid, without paying such Tolls, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Market Days.

XXXIX. After any Market or Fair, or Place for Fairs, is opened for public Use, the Owner of such Market or Fair shall hold Markets and Fairs therein on the Day prescribed by the Commissioner, and on such other Days as the Commissioner shall appoint, from Time to Time, by any Byelaw to be made in pursuance of this Act.

XL. The

A Register of the Quantity of Articles sold in Market or Fair, &c. to be kept.

XL. The Person entitled to the Tolls of any Market or Fair in Ireland shall always keep therein a Register containing such Particulars of the Quantity of the Articles sold in such Market or Fair, and the Prices thereof, and such other Particulars relating to such Market or Fair as the Commissioner shall by his Order direct, and shall produce such Register to the Commissioner for his Inspection and Perusal as often as he shall be required, and shall permit Copies or Extracts to be made therefrom by such Person as the Commissioner or the Lord Lieutenant shall from Time to Time appoint; and every such Person who shall refuse or neglect to keep such Register, or to permit such Copies or Extracts to be made, and every Person appointed to weigh any Articles sold in such Market or Fair who shall refuse or neglect to enter such Particulars in such Register, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Markets or Fairs no longer necessary may be discontinued, on Application of Grand Jury.

XLI. Upon the Application to the Lord Lieutenant of the Grand Jury of any County in Ireland, representing that any Market or Fair held within such County is unnecessary, and prejudicial to the Interests of the Locality wherein the same is held, and that for this or any other Reason such Market or Fair should, in the Opinion of such Grand Jury, cease to be held, it shall be lawful for the Lord Lieutenant, if he shall think fit, to direct the Commissioner to make Inquiry into the Matter of such Representation, and the Commissioner shall thereupon proceed to make such Inquiry in the Manner herein-before provided in other Cases of Inquiries directed to be made by him, and shall ascertain and determine whether or not such Market or Fair should cease to be held, and in case he should find in the Affirmative he may make an Order in relation thereto, in like Manner as herein-before provided in other Cases, directing that such Market or Fair shall cease to be held after the Lapse of Three Months from the Date of such Order; and every such Order shall be liable to be appealed from to One of the Superior Courts of Law in Ireland, and such Appeal shall be heard and determined as herein-before provided in respect of Appeals as to the Ownership of a Market in other Cases: Provided always, that if there be no Appeal within the Time limited for Appeals under the Provisions of this Act, or if the Report on such Appeal shall affirm such Order, Notice of such Order shall be given in the Dublin Gazette and in One or more Newspapers circulated in the Neighbourhood of such Market or Fair, and from and after the Time specified in such Order such Market or Fair shall cease to be a legal Market or Fair within the Meaning of this Act; and any Person holding such Market or Fair after the Time so specified, or levying or demanding any Tolls therein, shall be subject to a Penalty for every such Offence not exceeding Ten Pounds.

Collectors, Clerks, &c. to be appointed by Owners, as the Case may be.

XLII. The Owner of the Market or Fair under this Act shall appoint and always maintain such Collectors, Weighmasters, and other Officers for the Regulation of the Market or Fair, and for the Preservation of Order therein, as the Commissioner shall deem requisite and by any Order or Orders direct, and may from Time to Time remove and dismiss all or any of such Officers, and appoint others to fill the Situation or Situations so made vacant; and in case such Person shall wilfully neglect or refuse, for the Space of One Month after any such Order shall have been in force, to comply with the Directions contained therein, he shall be liable to a Penalty not exceeding Forty Shillings for every Week after the Expiration of such Period of One Month that he shall so neglect or refuse to appoint such Collector, Weighmaster, or other Officer; and the Commissioner shall be at liberty to appoint some proper Person to fill such Office, and to assign to him a Salary in respect thereof; and such Appointment and Salary, when so made, shall be as valid and effectual as if made and done by the Owner of such Market or Fair.

Officer to make Declaration that he will faithfully discharge his Duties.

XLIII. Every Officer so appointed shall, before entering on the Duties of his Office, make a Declaration before some Justice of the Peace that he will faithfully and honestly discharge the Duties of such Office, which Declaration any Justice of the Peace is hereby authorized to take, and the same shall be made under the Provisions of an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Sixty-two.

Penalty on obstructing Inspector in removing unwholesome Meat.

XLIV. Any Officer appointed by the Owner of the Market or Fair may seize any of the Articles specified in the Eighth Section of the "Summary Jurisdiction (Ireland) Act, 1851," exposed for Sale in a Market or Fair, and carry the same before a Justice, and such Justice shall thereupon deal with the Case according to Law; and every Person who shall obstruct or hinder such Officer from seizing or carrying away such Articles shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Penalty for obstructing Market or Fair Keeper.

XLV. Every Person who shall assault or obstruct any Constable or Person appointed to superintend the Market or Fair, or to keep Order therein, or to collect Tolls payable in respect thereof, or any Weighmaster or other Officer duly appointed under the Provisions of this Act, whilst in the Execution of his Duty, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings, or to be imprisoned for a Period not exceeding Two Calendar Months.

Power to Justices to give Posses-

XLVI. If any Collector or other Officer be discharged or suspended from his Office, under the Provisions of this Act, or die, or absent

absent himself, and if such Collector or other Officer, or any of his Family or Representatives, refuse or neglect, after Twenty-four Hours Notice in Writing for that Purpose, to deliver up to the Owner of any Market or Fair under this Act, or to any Person appointed by him for that Purpose, any Toll House, Dwelling House, Office, or other Building, with its Appurtenances, or any Weighing Machine, Beam, Scales, or Weights, or any Books, Papers, or other Matters belonging to any such Owner, in the Possession or Custody of any such Collector or other Officer at the Occurrence of any such Event as aforesaid, in right of his Appointment, then, upon Application being made by such Owner to any Two Justices of the Peace, it shall be lawful for such Justices to order any Constable, with proper Assistance, to enter upon such Toll House, Dwelling House, Office, or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Weighing Machine, Beam, Scales, Weights, Books, Papers, or other Matters, and to deliver the same to the Owner of such Market or Fair, or any Person appointed by him for that Purpose.

Provision of Toll Houses, &c. to Persons entitled to Tolls, in case of Toll Collectors, &c. discharged or suspended.

XLVII. The Owner of any Market or Fair may from Time to Time demise and let the Market Places and the Weighing Houses or Places, and Machines, Stallages, Rents, or Tolls, to which such Person or Persons are entitled under this Act, or any of them, for any Period not exceeding Three Years, upon such Terms as may be agreed upon between such Person or Persons and the Person to whom such Lease is made.

Power to lease Tolls.

XLVIII. The Owner of any such Market or Fair may let any of the Stalls, Standing Places, Benches, or other Conveniences in the Market Places, to any Person for any Term not exceeding Three Years.

Power to lease Stalls, &c.

CLAUSE K.

XLIX. No Lessee of any Market Place, Stallage, Rent, Tolls, Stalls, Standing Place, Bench, or Conveniences in a Market or Fair, shall assign, sub-let, or sub-demise the same or any Part thereof, and every such intended Assignment or Sub-lease shall be void, and no Rent shall be recovered in respect thereof.

Sub-letting prohibited.

CLAUSE L.

L. Every valid Lease heretofore made and subsisting at the Commencement of this Act shall continue so to be, according to its Tenor and Effect; and if by reason of any of the Provisions of this Act any Question shall arise between the Owner of the Market or Fair, and the Lessee in any such Lease, as to the Construction or Operation or Effect thereof, the same shall be referred to the Commissioner, who shall make an Order in respect of the same, and insert in such Order the Particulars of such Alteration in or Modification of the Lease as he shall deem necessary, to adapt it to the altered State

Leases of Tolls made before Act to remain valid, and be adapted to altered State of Circumstances by Order of Commissioner, subject to Appeal.

State of Circumstances occasioned by this Act, as nearly as may be, and to carry out the true Intent and Meaning of the Parties thereto; and every such Order shall be liable to be appealed from to One of the Superior Courts of Law in Ireland, and such Appeal shall be heard and determined as herein-before provided in respect of Appeals as to the Ownership of Fairs; provided that if there be no Appeal within Three Calendar Months from the Date of such Order, or if the Report on such Appeal shall affirm or vary such Order, the Alteration or Modification of the Lease specified in such Order, or varied by the Report on such Appeal, shall be carried into effect by by Indorsement on the Lease, or by some separate Instrument, as the Commissioner or Court shall determine.

Lessee, &c. to be deemed Collectors.

LI. During the Continuance of any Lease, the Lessee, and also all Persons appointed by him or them to collect the Tolls and Rates so let, shall be deemed Collectors of Tolls and Rates so let, and they shall have the same Powers to collect and recover such Tolls and Rates, and be subject to the same Rules, Duties, and Penalties in reference thereto, and shall be appointed in the same Manner, as if they had been appointed for that Purpose by the Owner of such Tolls and Rates.

Lessee, &c making default to be removed.

LII. If any Lease shall have become void or voidable, according to any Stipulation therein contained for that Purpose, by reason of the Failure or Omission on the Part of the Lessee to comply with any of the Terms of such Lease, or if all or any Part of the Rent thereby reserved shall be in arrear and unpaid for Twenty-one Days after the same shall have become payable, then, upon Application made by the Owner of the Tolls or Rates so let to any Justice of the District, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon any Toll House, Dwelling House, Office, Weighing Machine, or other Building belonging to such Owner, and to remove from the same the Lessee or Assignee, or Collector or other Person found therein, together with his Goods, and take possession thereof, and of all Property found therein belonging to the Owner of such Tolls or Rates so let, and deliver the same to him, or any Person authorized by him for that Purpose.

Power of re-letting Tolls.

LIII. Upon such Possession being obtained, it shall be lawful for the Owner of the Tolls or Rates so let to determine the Lease, if any, previously subsisting, and the same shall accordingly be utterly void, except as to the Remedies of the Lessors for Payment of the Rent due, or for unperformed or broken Obligations or Conditions on the Lessee's Part, all of which Remedies shall remain in force; and in every Case, either during such Proceeding or on the Determination thereof,

thereof, the Owners of such Tolls and Rates may again let the Tolls and Rates to any Person, or cause them to be collected, in the same Manner as if no such Lease had been made relative thereto.

Power of Parties to settle Disputes at Sales in Fairs or Markets extended to Cases where Amount in difference does not exceed 30*l.*

LIV. And whereas by the "Summary Jurisdiction (Ireland) Act 1851," it is enacted, that whenever any Dispute shall arise between any Buyer and Seller relating to the Terms of Sale, Delivery, Price, or Payment for any Article, Matter, or Thing which shall be exhibited for Sale in any Fair or Market (and which shall not be of a greater Value than Five Pounds), it shall be lawful for any Justice within his Jurisdiction either to proceed at once to hear and determine such Dispute, upon the Complaint of either Party, and in Presence of both Parties, and after causing all Parties to be brought before him for that Purpose, or to adjourn the Hearing thereof to the next Petty Sessions of the District; and it shall be lawful for such Justices, or the Justices at such Petty Sessions, having examined into the said Complaint, upon the Oath of either of the Parties, or of any Witness or Witnesses, to make an Award thereon according to the Merits of the Case, and such Award shall be in Writing, and shall have the like Force and Effect as any Order made at Petty Sessions: The said Enactment shall extend and be applicable in the Case of any Dispute which shall arise between any Buyer and Seller relating to the Sale, or Terms of Sale, Delivery, Prices, or Payment for any Article, Matter, or Thing in any Fair or Market where the Amount of the Price to be paid for such Article, Matter, or Thing shall not exceed Thirty Pounds, or where the Sum in dispute shall not exceed Five Pounds, and the Amount awarded by the Justice shall be recoverable in like Manner as the Penalties imposed by this Act.

Mode of weighing certain Commodities.

LV. All Sales to be made at any Market or Fair in Ireland of any Corn, Potatoes, Hay, Straw, Flax, Green Food for Cattle, Carcases of Beef, dead Pigs, Butter, Wool, Hides and Skins, and such other Articles as the Commissioner may from Time to Time by any Byelaw appoint, shall be made by the following Weights, or some Multiple or Sub-multiple thereof respectively, from and after the First Day of October next after the passing of this Act; that is to say, the Pound, the Stone of Fourteen Pounds, the Quarter Hundred of Twenty-eight Pounds, the Half Hundred of Fifty-six Pounds, the Hundredweight of One hundred and twelve Pounds, or by the Ton of Twenty such Hundredweight; all Imperial Standard Weight.

No Allowance to be made in weighing for Beamage, &c.

LVI. All Articles, of what Nature or Kind soever, which shall be weighed at any such Market or Fair, shall be weighed and paid for at their just Weights, net Standing Beam, without any Deductions or Allowances, whether for Tret, Beamage, or Porterage, or otherwise howsoever,

howsoever, the Weight of any Vessel, Sack, Bag, Firkin, or other Thing (if any) containing the same alone excepted; and any Person taking any such Allowance or Deduction, with or without the Consent of the Seller, or buying or selling any Article by any Weight different from those herein specified, shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, and also such further Sum or Sums of Money to the Seller, as Compensation for any such Deductions, Allowances, or Substitutions of Weights, as the said Justices shall in that Behalf award.

Owners of Markets, &c. to provide proper Weights and Measures for weighing Commodities sold.

LVII. The Owner of any Market or Fair shall provide and always maintain sufficient and proper Weighing Houses, or Places for weighing or measuring the Commodities sold in the Market or Fair, and chargeable with Tolls, and shall keep therein proper Weights, Scales, and Measures, according to the Standard Weights and Measures for the Time being for weighing and measuring such Commodities as aforesaid, and shall, subject, however, to the Provisions in that Behalf herein-before contained, appoint proper Persons to attend to the weighing or measuring such Commodities at all Times during which the Market or Fair is holden.

Inspection of Weights and Measures.

14 & 15 Vict. c. 92. s. 18.

LVIII. The Owner of any Market or Fair may, at such Times as shall appear to him or them reasonable, not being less than once in every Three Months, require any Person appointed by the Grand Jury of any County to be an Inspector of Weights and Measures within the District in which any such Market or Fair shall be situate, or any Head or other Constable who shall have been selected to be an ex-officio Inspector of Weights and Measures within such District, to inspect the Weights and Measures used by any Person for the Sale of any Article in such Market or Fair, and the Inspector or ex officio Inspector respectively shall thereupon execute the Duties of his Office in such Market or Fair, with the like Powers, Liberties, and Indemnities as if he had been duly required by the Grand Jury of the County, or by the Justices at Petty Sessions respectively, to perform such Duties, and shall be subject to the like Penalties for any Neglect or Offence in the Discharge of such Duties as any Inspector of Weights and Measures may be liable to under and by virtue of an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Sixty-three; and any Person who shall use in such Market or Fair any Weight or Measure, other than those authorized by the said last-recited Act, for the Sale of any Article, shall on Conviction thereof be subject to the like Penalties for such Offence as any Person may be liable to for the like Offence under and by virtue of an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Ninety-two.

LIX. Every

LIX. Every Person selling or offering for Sale any Articles in any Market or Fair shall, if he shall so think fit, or be required so to do by the Buyer, cause the same to be weighed or measured by the Weights and Scales or Measures provided as aforesaid; and any such Person who shall refuse, on Demand, to cause such Articles to be weighed or measured in manner aforesaid, shall be liable to a Penalty not exceeding Forty Shillings.

Articles to be weighed if requested by the Buyer, &c.

Penalty for Refusal.

LX. From and after the passing of this Act, it shall not be lawful for any Person or Persons, other than the Owner or Owners of the Market or Fair, to erect any Crane or other Machinery within such Market or Fair, or within Three Miles thereof, for the Purpose of weighing, for Hire, upon the Day or Days on which such Market or Fair shall be holden, any Article for the weighing of which Toll is payable at such Market or Fair; and any Person found offending against this Provision shall for every Article he shall so weigh be liable to a Penalty not exceeding Forty Shillings.

No Person, except Owner of Market, &c., shall erect Machine for weighing Articles sold therein.

CLAUSE M.

LXI. Every Weighmaster who shall refuse or neglect to weigh or measure, or to give a Ticket to the Person requiring him so to weigh or measure, specifying the Nature, gross Weight or Bulk or Measure, of the Article measured, being an Article sold in the Market, and in respect of the weighing or measuring of which a Toll is payable, shall be liable to a Penalty not exceeding Forty Shillings.

Penalty on Weighmaster refusing to weigh.

LXII. Every Person who shall knowingly act or assist in committing any Fraud respecting the weighing or Weight of any Article, in pursuance of this Act, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty on other Parties committing Frauds as to weighing.

LXIII. If the Commissioner shall by any Order so direct, the Owner of any Market or Fair shall provide sufficient and proper Buildings or Places for weighing Carts in which Goods are brought for Sale within such Market or Fair, and shall keep therein Machines and Weights proper for that Purpose, and shall from Time to Time appoint a Person in every such Building or Place to afford the Use of such Machines to the Public by weighing such Carts, with or without their Loading, as may be required.

Owner of Market, &c., if required by Commissioner, to keep proper Machines for weighing Carts laden with Goods.

LXIV. The Driver of every such Cart shall, at the Request of the Buyer or Seller of such Goods, or his Agent, take such Cart, with or without the Loading thereof, to the nearest of the said Weighing Machines, and shall permit the same to be weighed; and if such Cart be weighed with its Load thereupon, the Driver shall, if required, take such Cart, after its Load has been discharged, to the Weighing Machine nearest

Carts to be weighed at One of the Machines erected by the Owner of Market, &c.

nearest to such Place of Discharge, and permit it to be re-weighed without such Load; and if any such Driver shall for the Purposes aforesaid be required to take such Cart a greater Distance than Half a Mile, including the going to and returning from such Machines respectively, the Owner of the Cart shall be paid for every Horse which shall be used in drawing such Cart Twopence for the First Half Mile, and a like Sum for every additional Half Mile; and such Payment shall be made by the Person requiring such Cart to be weighed as aforesaid, before the Driver shall be obliged to take it as aforesaid for the Purpose of having it weighed.

Penalty on Drivers for refusing to take Carts to be weighed, &c.

LXV. The Driver of any such Cart who shall not, upon being so requested as aforesaid, and having such Payment made or tendered as aforesaid, take the same to such Weighing Machine as herein-before directed, or who shall refuse to assist in the weighing of the same, shall forfeit to the Person requiring such Cart to be weighed a Sum not exceeding Twenty Shillings.

Penalties on Drivers of Carts, &c. committing Frauds in weighing.

LXVI. Every Driver of any such Cart weighed at any Weighing Machine to be provided in pursuance of this Act, who shall commit any of the following Offences, shall be liable to a Penalty not exceeding Five Pounds for each Offence; (that is to say,)

If he at the Time of weighing any such Cart knowingly have anything in or about the same other than the proper Loading thereof:

If he alter any Ticket denoting the Weight of any such Cart or the Loading of the same:

If he make or use, or be privy to making or using, any Ticket falsely stating the Weight of any such Cart or the Loading thereof:

If he, after the weighing of any such Cart with the Loading thereof, remove any Part of such Loading, and afterwards dispose of or attempt to dispose of or represent the Residue of such Loading as being the full Loading denoted by such Ticket:

If he, between the Time when the Cart and the Loading thereof have been so weighed and the Time when such Cart so weighed without such Loading, change the Wheels of such Cart, or make any other Change upon it after being required to allow such Cart to be weighed without the Loading thereof:

If he be guilty of any other fraudulent Contrivance to misrepresent the Weight of any such Cart or of the Loading thereof.

Penalty on Buyers or Sellers for committing Frauds in weighing.

LXVII. If the Buyer or Seller of any Goods brought in any Cart for Sale within the Market or Fair, and which shall be required to be weighed as aforesaid, shall do anything to such Cart or its Loading whereby

whereby the true Weight thereof respectively shall be altered before such weighing, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalties for Frauds committed by the Machine Keeper.

LXVIII. The Person for the Time being appointed to keep any Weighing Machine provided in pursuance of this Act shall be liable to a Penalty not exceeding Five Pounds, in any of the following Cases; that is to say,

If he wilfully neglect, on Application, duly to weigh any Cart, with or without its Loading, as the Case may be, that is brought to the Machine kept by him to be weighed:

If he do not fairly weigh every such Cart, with or without its Loading, as the Case may be:

If he do not deliver to the Buyer or Seller of any such Loading, or to any Person interested therein, on Application, a Ticket or Account specifying the true Weight of such Cart, with or without its Loading, as may be required:

If he give to the Driver of any such Cart a false Ticket or Account of the Weight of such Cart, with or without the Loading thereof:

If he weigh any Cart, with or without its Loading, knowing that anything had been done to such Cart or to the Loading thereof to alter the true Weight thereof respectively:

If he knowingly assist in or connive at any Fraud concerning the weighing of any Cart or the Loading thereof, or make or connive at making any false Representation of the Weight of the same respectively.

Penalty on other Parties committing Frauds as to weighing.

LXIX. Every Person who shall knowingly aid or assist in committing any Fraud respecting the weighing or Weight of any Cart or the Loading thereof, in pursuance of this Act, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Clause N. Tolls in respect of covered Sheds, &c. payable upon Commencement of Market or Fair.

LXX. The Tolls in respect of any covered or uncovered Shed, Stall, Bulk, Block, Bench, Trestles, Standing Place, Compartment, Space, Station, or Cart used by any Person for selling or exposing for Sale Flesh Meat, Fish, Cheese, Butter, Vegetables, Fruit, Glass, Earthenware, Cloth, Hosiery, or other Goods, Article, Matter, or Thing whatsoever, or for exposing for Sale any Article, Matter, or Thing on the Surface of the Ground, shall become payable upon the Commencement of the Market or Fair, to be notified in the Manner herein-after mentioned, and shall be levied and paid as soon after the Commencement of such Market or Fair as such Tolls can be reasonably collected.

CLAUSE O. Tolls for weighing to be paid to Persons authorized before the Articles are weighed, &c.

LXXI. The Tolls in respect of the weighing or measuring any of the Articles specified in the Schedule to this Act annexed, and in respect of the weighing or measuring of which Tolls are payable, shall be paid to the Weighmaster weighing or measuring the same by the Persons requiring the same to be weighed or measured, before the same shall be so weighed or measured.

CLAUSE P. Tolls in respect of Cattle, when due.

LXXII. The Tolls in respect of any Cattle brought into any Market or Fair for Sale shall become payable before-hand, and in anticipation of the Easement or Accommodation thereby and therein afforded, and in respect of which the same is payable, and shall be levied and paid upon the Entrance of such Cattle into any such Market or Fair, and before such Cattle have been put into any Pen or tied up therein, or in any way exhibited for Sale in such Market or Fair.

CLAUSE Q. Penalty on taking a greater Toll than authorized by this Act.

LXXIII. Every Person who shall demand or receive a greater Toll than that authorized to be taken under the Provisions of this Act, or who shall demand Tolls in respect of any Article in respect of which Tolls are not payable under the Provisions of this Act, or who shall knowingly and wilfully demand Tolls upon any Article in respect of which Tolls have been already levied and paid, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

CLAUSE R. Cattle in respect of which Parties refuse to pay Tolls not to be admitted, and if admitted may be turned out with Articles liable to Tolls where Owners refuse to pay the same.

LXXIV. If any Person liable to the Payment of any Tolls authorized by this Act to be taken do not pay the same when demanded, any Person authorized to collect the same may refuse to admit the Cattle or other Articles in respect of which Tolls are so demanded into the Market or Fair, and in case such Cattle or other Article in respect of which Tolls are payable have already obtained Admission into such Market or Fair, may remove, expel, and turn out such Cattle or Article therefrom and thereout.

CLAUSE S. Markets and Fairs to be commenced and to terminate at a fixed Hour, under a Penalty.

LXXV. Every Market or Fair held under the Provisions of this Act shall be commenced at an Hour to be fixed by the Commissioner, and to be posted at the Entrance to the Market or Fair, by the ringing of a Bell, and shall terminate in like Manner: Provided always, that every Owner of any Market or Fair shall be liable to a Penalty of Five Pounds for every Half Hour that the Commencement of such Market or Fair shall be postponed or the closing of such Market or Fair delayed as herein-before mentioned.

CLAUSE T. Recovery of Penalties. 14 & 15 Vict. cc. 92, 93.

LXXVI. The Provisions of "The Summary Jurisdiction (Ireland) Act, 1851," and of "The Petty Sessions (Ireland) Act, 1851," shall, so far as the same are applicable, extend to the Recovery of

of all Penalties imposed by the Provisions of this Act; and the Commission or Omission of any of the acts herein-before mentioned, subjecting the Parties committing or omitting the same to any Penalties herein-before declared, shall be an Offence within the Meaning of the Twenty-second Section of "The Petty Sessions (Ireland) Act, 1851," and the Penalties shall be recoverable in the Manner therein provided for the Recovery of Penalties under that Act.

Disputes respecting Tolls how to be settled.

LXXVII. If any Dispute arise concerning any Tolls, such Dispute shall be determined by a Justice; and such Justice shall, on Application made to him, determine the same, and make such Order therein, and award such Costs to either Party, as to him shall seem proper; and in default of Payment, on Demand, of the Money which shall be so awarded, and of the Costs, the same shall be forthwith levied by Distress, and the Justice shall issue his Warrant accordingly.

Act not to extend to Dublin, or Markets, &c. under Local Acts.

LXXVIII. This Act shall extend only to Ireland; and nothing herein contained, save and except the Provisions for regulating the Mode of weighing certain Commodities contained in Sections Fifty-five and Fifty-six, and the Provisions contained in Section Forty, requiring a Register of the Quantity of Articles sold in Markets or Fairs and other Particulars to be kept, shall extend to or affect the Borough of Dublin, or any Market or Fair regulated by any Local Act of Parliament, or held under the Provisions of any such Local Act.

SCHEDULE.

Tolls payable.

For every covered or uncovered Shed, Stall, Bulk, Block, Bench, Trestle, Standing Place, Compartment, Space, or Station used by any Person for exposing to Sale Flesh Meat, Cheese, Bacon, pickled Pork, Fish, or any other Victuals, Vegetables, Fruit, Glass, Earthenware, or other Goods, Article, Commodity, or Thing whatsoever, (except as herein otherwise specifically charged,) the following Tolls per Day shall be taken:—

Not exceeding Six Feet by Five Feet, One Shilling:

Not exceeding Nine Feet by Five Feet, One Shilling and Sixpence:

Not exceeding Twelve Feet by Five Feet, Two Shillings:

And in the same Proportion for any larger Space.

Carts.

For every Cart or other Vehicle used by any Person for exposing or in which shall be exposed to Sale any Article, Commodity, or Thing, the following Tolls per Day:—

If drawn by One Horse, Ninepence; by Two Horses, One Shilling:

If drawn by any One other Animal, Sixpence; or if by Two other Animals, Ninepence.

Butter.

For every Basket, Parcel, or Quantity of Butter not exceeding Twelve Pounds Weight, One Penny per Day:

For each additional Six Pounds Weight, One Halfpenny per Day.

Game and Poultry.

For Poultry, including Fowls, Chickens and Ducks, Wild Fowls, Pigeons, and Rabbits; viz.—

Not exceeding Three Couple, One Penny per Day:

For each additional Three Couple, One Penny per Day:

For every Turkey or Goose, One Penny per Day:

For every Head of Game, One Penny per Day:

For each Dozen of all other Description of Birds, Twopence per Day.

Eggs.

Eggs.

For every Basket, Parcel, or Quantity of Eggs after One Dozen, One Halfpenny per Day:

For each additional Dozen, One Halfpenny per Day.

Cattle.

For the Exposure to Sale of Horses or other Beasts, Cattle, or Pigs as follows; (that is to say,)

For every Horse, Mare, or Gelding, Fourpence:

For every Mule, Ass, Colt, Filly, or Foal, Twopence:

For every Bull, Ox, Cow, Heifer, or Steer, Threepence:

For every Stallion exposed or shown on a Market Day, One Shilling:

For every Calf, One Penny:

For every Score of Sheep or Lambs, Tenpence:

For every Score of Pigs, Tenpence:

For every Score of Sucking Pigs, Fivepence:

And so on in proportion for any greater Number, and One or more, not exceeding Five, to be paid for as a Quarter of a Score.

Fruit.

For every Quantity not exceeding Half a Bushel, Twopence per Day:

For every Quantity exceeding Half a Bushel and not exceeding One Bushel, Fourpence per Day:

For every additional Half Bushel, Twopence per Day.

Vegetables.

For every Quantity not exceeding One Bushel, Twopence per Day:

For every additional Half Bushel, One Penny per Day.

Fish.

For all Salmon, Trout, Turbot, Mackerel, and Soles, at the Rate of Twopence per Stone per Day:

All other Kinds of Fish, except Shellfish, at the Rate of One Penny per Stone per Day:

For every Description of Shellfish, at the Rate of Fourpence per Bushel per Day.

Weighing and Measuring.

For weighing every Piece of Meat or any other Article or Thing weighing not more than Twenty Pounds Avoirdupois, One Halfpenny:

For weighing every Piece of Meat or other Article or Thing weighing more than Twenty Pounds and not exceeding One hundred

Pounds, One Penny, and so in proportion for any greater or smaller Quantity than One hundred Pounds Weight over and above One hundred Pounds Weight :

For measuring any Quantity of Goods and Things sold by Measure not exceeding One Bushel, One Halfpenny :

For measuring every Quantity more than a Bushel and not exceeding Two Bushels, One Penny :

And for every Bushel beyond Two Bushels, One Halfpenny.

Weighing Machines.

For weighing any Cart or other Carriage not exceeding One Ton, Fourpence :

And so in proportion for any greater Weight than One Ton.

General Tolls.

For every Basket, Hamper, Parcel, or Quantity of any other Goods, Commodity, Article, or Thing exposed or offered for Sale there, not before specifically charged or enumerated, or falling within any of the preceding Heads ; that is to say,

If the Spot on which the Person shall stand be covered over from the Weather, not containing more than One Bushel, One Penny Halfpenny :

For every additional Half Bushel, Three Farthings.

If the Spot be not covered over as above, not containing more than One Bushel, One Penny :

For every additional Bushel, One Halfpenny.

The above-mentioned Tolls and Stallage in the said Markets and Fairs to be paid and payable in respect to the Occupation of any Stall, Bench, Compartment, or Space of Ground, as well by the original Taker or Occupier thereof for a Part or Portion of the Day or Space of Time, as by any subsequent Taker or Occupier of the same for any other Part or Portion of the Day or Space of Time.

Markets and Fairs (Ireland).

A

BILL

[AS AMENDED IN COMMITTEE]

For the Regulation of Markets and Fairs in Ireland.

(*Prepared and brought in by Mr. Henry Herbert and Mr. Attorney General for Ireland.*)

Ordered, by The House of Commons, *to be Printed*, 7 *June* 1858.

[Bill 110.]

Under 4 *oz.*

Markets and Fairs (Ireland) Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

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(Ireland.)

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

The Regulation of Markets and Fairs in Ireland.

[Note.—*The Clauses marked* A. *to* H. *were added by the Select Committee.*]

Preamble.

WHEREAS it is expedient to make further Provision for the Regulation of Markets and Fairs in Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms used in this Act:

I. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

"Lord Lieutenant:"

the Expression "the Lord Lieutenant" shall mean the Chief Governor or Governors of Ireland for the Time being; the Expression "Lord Lieutenant in Council" shall mean the Lord Lieutenant, by and with the Advice of Her Majesty's Privy Council in Ireland; the Word "County" shall include Riding, and shall also include a County of a City or County of a Town; the Word "Town" shall mean and include a City, Town Corporate, Borough, Market Town, or other Town in Ireland; the Expressions "the Commissioner" and "the Assistant

"Lord Lieutenant in Council:"

"County:"

"Town:"

"Commissioner:"

Assistant Commissioner" shall mean the Commissioner or Assistant Commissioner appointed from Time to Time under this Act; the
"Owner:" Expressions "Owner" or "Owner of the Market or Fair" shall include any Body of Commissioners, and any Body Corporate or Person or Persons entitled or claiming to be entitled to hold any Market or Fair in Ireland, whether in respect of the Ownership of the Land on which the Market or Fair is holden, or under any Patent Grant from the Crown, or from any Person entitled to grant or convey the same, and whether authorized to levy Tolls in such Market or Fair or not;
"Tolls:" the Expression "Tolls" shall extend to and include all Customs, Stallages, Piccage, Cranage, Rents, Fees, and other Dues whatsoever payable by any Person using or frequenting any Market or Fair; the
"Lease:" Word "Lease" shall include an Agreement for a Lease; the Word
"Cart:" "Cart" shall include Waggon and also any Carriage used wholly
"Driver:" or chiefly for the Conveyance of Goods; the Word "Driver" shall include the Carter or other Person having the Care of any Cart;
"Cattle:" the Word "Cattle" shall include any Horse, Mare, Gelding, Foal, Colt, Filly, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine; and the Expression "the
"Collector:" Collector" shall mean the Person appointed by the Owner of any Market or Fair to collect the Tolls authorized by this Act, and shall include the Assistants of the Collector; the Expression
"Superior Courts:" "Superior Courts" shall mean Her Majesty's Superior Courts of Record at Dublin; the Word "Justice" shall mean Justice of the
"Justice:" Peace acting for the Place where the Matter requiring the Cognizance of any such Justice arises, and also any Justice appointed under the Provisions of "The Towns Improvement (Ireland) Act, 1854," Seventeenth and Eighteenth Victoria, Chapter One hundred and three, and if such Matter arise in respect of any Market or Fair situated not wholly in any One Jurisdiction, shall mean a Justice acting for the Place where any Part of such Market or Fair shall be situated; the
"Person." Word "Person" shall include a Corporation, whether aggregate or sole, and Commissioners in any Town acting under any Statute in force in any Town in Ireland.

Short Title. II. This Act may be cited as "The Markets and Fairs (Ireland) Act, 1858."

Provisions of Lands Clauses Consolidation Act, 1845, and Railways Act (Ireland), 1851, extended to this Act. III. The several Provisions of "The Lands Clauses Consolidation Act, 1845," shall, so far as the same are consistent with "The Railways Act (Ireland), 1851," or any Act or Acts extending the same, and so far as the same may be applicable to, and are not inconsistent with, or modified by, the Provisions of this Act, be incorporated with and form Part of this Act, and shall be applicable to the Purposes thereof; and in the Construction of this Act and the said incorporated

rated Acts this Act shall be deemed the Special Act: Provided always, that all Things by the said Acts, or either of them, required or authorized to be done by the Promoters of the Undertaking, may be done by the Owner of any Market or Fair under this Act.

Commissioner to be appointed by the Lord Lieutenant.

IV. It shall and may be lawful for the Lord Lieutenant, by Warrant under his Hand, to appoint a competent Person to be Commissioner under this Act, to hold such Office during the Pleasure of the Lord Lieutenant, and upon every Vacancy in the Office of such Commissioner in like Manner to appoint some other competent Person to such Office; and the said Person to be from Time to Time appointed shall be the Commissioner for the Execution of this Act, and shall be styled "The Commissioner of Markets and Fairs in Ireland."

Lord Lieutenant may appoint an Assistant Commissioner.

V. It shall also be lawful for the Lord Lieutenant, if he shall see fit, to appoint an Assistant Commissioner, to aid in the Performance of the Duties of the Commissioner under this Act, to hold such Office during the Pleasure of the Lord Lieutenant; and upon every Vacancy in the Office of such Assistant Commissioner in like Manner to appoint some other competent Person to such Office; and such Assistant Commissioner shall be styled "The Assistant Commissioner of Markets and Fairs in Ireland."

Declaration to be made before acting.

VI. Each Commissioner or Assistant Commissioner appointed under this Act shall, before he enters upon the Execution of his Office, make the following Declaration before One of the Justices of the Court of Queen's Bench or Common Pleas, or One of the Barons of the Court of Exchequer in Ireland; that is to say,

'I DO solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, fulfil all the Powers and Duties of the Commission under "The Markets and Fairs (Ireland) Act, 1858."'

And the Appointment of such Commissioner or Assistant Commissioner, with the Time when and the Name of the Justice or Baron before whom he shall have made the said Declaration, shall be forthwith published in the Dublin Gazette.

Commissioner to have a Common Seal.

VII. The Commissioner shall cause to be made a Seal for his Commission, and shall cause to be sealed therewith all Orders and other Instruments made by or proceeding from the Commissioner or Assistant Commissioner in pursuance of this Act; and all such Orders and other Instruments, or Copies thereof, purporting to be sealed with such Seal, shall be received in Evidence, without any further Proof thereof or of the Appointment of the Commissioner or Assistant Commissioner.

Salary to be paid out of Monies to be provided by Parliament.

VIII. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct a Salary, not exceeding Pounds per Annum, to be paid to the Commissioner, and a Salary, not exceeding Pounds per Annum to be paid to the Assistant Commissioner, appointed under this Act; and such Salary, and all incidental Expenses of carrying this Act into execution, if any such Expenses be incurred, not herein otherwise provided for, shall be paid out of such Money as shall be provided by Parliament for the Purpose.

Power to summon Witnesses.

IX. It shall be lawful for the Commissioner or Assistant Commissioner, by Summons under his Seal, to require the Attendance before him, at a Time and Place to be mentioned in such Summons, of all such Persons as he shall think it necessary to examine in relation to any Inquiry directed or authorized by this Act, or any Question or Matter depending before him as such Commissioner or Assistant Commissioner, and to require all such Persons to produce before him all Deeds, Books, Papers, Documents, and Writings relating to such Inquiry, Question, or Matter, and to examine upon Oath, which he is hereby empowered to administer, all Persons who shall under such Summons or voluntarily attend before him as Witnesses.

Penalty for Non-attendance.

X. If any Person required by such Summons to attend before the Commissioner or Assistant Commissioner shall, without reasonable Cause, to be allowed by him, fail to appear according to such Summons (having been paid or tendered a sufficient Sum of Money to defray the Charges of his Attendance), or shall refuse to be sworn, or shall not make answer to all such Questions as shall be lawfully put to him by the Commissioner or Assistant Commissioner, or shall refuse or fail to produce before the Commissioner or Assistant Commissioner any such Deed, Book, Paper, Document, or Writing, being in or under his Custody, Possession, or Power, as shall be lawfully required to be produced by him, he shall be subject to a Penalty for every such Offence not exceeding Ten Pounds, to be imposed by such Commissioner or Assistant Commissioner as the Case may be.

Power to Commissioner to proceed upon Affidavit.

XI. The Commissioner or Assistant Commissioner may, if he think fit, receive in Evidence Affidavits, and such Affidavits may be made before any Justice of the Peace, or any Person empowered to take Affidavits, to be used in any of the Superior Courts in Ireland; and all Persons who shall wilfully give false Evidence or otherwise forswear themselves in any such Examination or Affidavit shall upon Conviction thereof be liable to the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are now liable to by Law.

XII. Every

Owners, if required by Commissioner, shall furnish their Title to hold a Market or Fair, together with Schedule of Tolls levied.

XII. Every Owner of a Market or Fair in Ireland (save and except Trustees, Commissioners, or Corporations under any Local Act of Parliament, and Owners of Markets in the City of Dublin,) shall, within Two Months after being required so to do by Notice under the Seal of the Commission, served personally on or left at the Dwelling House of such Owner, furnish to the Commissioner the original Patent or other Instrument giving the Right to hold such Market or Fair, or such Evidence thereof, if not capable of being produced, as it may be in his Power to give, together with a short Statement or Abstract setting forth his Title to such Market or Fair, and in case such Owner shall claim to be authorized to levy Tolls in such Market or Fair he shall also furnish a true Copy of the Schedule of Tolls specified on the Board erected at the Entrance of such Market or Fair, under the Provisions of an Act passed in the Fifty-seventh Year of the Reign of His Majesty King George the Third, Chapter One hundred and eight; and in case any such Owner shall, without reasonable Excuse, neglect or refuse to furnish such Statement of his Title to hold such Market or Fair, or such Copy of the Schedule of Tolls, he shall be liable to a Penalty of Five Pounds for each and every Week he shall neglect so to do after the Expiration of the said Period of Two Months; and in case he shall neglect so to do for the Period of One Year he shall forfeit and absolutely lose all Right to hold such Market or Fair: Provided always, that it shall be lawful for the Commissioner, in case he shall so think fit, to enlarge or extend the said Period of Two Months herein-before limited for the Purposes aforesaid.

Commissioner to make an Order declaring Owner's Title.

XIII. The Commissioner, upon being satisfied of the Right and Title of any Person to be the Owner of any Market or Fair, shall make an Order to that Effect, and he shall cause the same to be published in the Dublin Gazette and in such local Newspaper as he shall direct.

Person named in Order, and Person considering himself aggrieved, may appeal by summary Petition to Superior Courts.

XIV. The Person named in any such Order, or in any Order made in respect of the Ownership of any new or proposed Market or Fair, or any Person thinking himself aggrieved by any such Order, may appeal against the same, within Three Calendar Months after the Publication of such Notice in the Dublin Gazette; and such Appeal shall be by a summary Petition to One of the Superior Courts of Law in Dublin, stating the Order appealed from, and the Grounds of such Appeal, and praying that such Order may be reversed, amended, or varied, in the Manner therein to be mentioned.

Proceedings upon Appeal

XV. The Court to which such Appeal shall be made shall for the Purpose of such Appeal have all the Powers and Authority conferred

to Judges of Superior Courts.

upon the Commissioner under this Act, and may vary, alter, reverse, or suspend the Operation of the Order of the Commissioner, and if such Court shall think fit may declare a different Person from the Person named by the Commissioner to be the Owner of such Market or Fair; and the Order made upon such Appeal shall forthwith, or in case of on Appeal then the Order of the Commissioner shall after the Lapse of the said Period of Three Months, be conclusive of the Title of the Person named therein, and declared thereby to be the Owner of such Market or Fair.

After Title of Owner of Market or Fair conclusively established, Commissioner to settle and revise Copy of Schedule of Tolls.

XVI. When the Title of any Person to be the Owner of any Market or Fair in which Tolls shall be levied at the Time of the passing of this Act shall have been conclusively established as aforesaid, the Commissioner shall and may proceed to revise the Schedule of Tolls to be demanded and taken in such Market or Fair; provided that the Tolls on any Article mentioned in such Schedule shall not exceed the Tolls set forth in the Schedule to this Act annexed, and shall not be payable in respect of any Article which is not included in the Schedule to this Act annexed; and the said Schedule of Tolls so revised shall be signed by the Commissioner, and sealed with his Seal of Office, and delivered to the Owner; but the same may be appealed from by any Person whose Interests may be injuriously affected thereby, in the same Manner as an Order declaring the Owner of a Market or Fair may be appealed from under the Provisions of this Act: Provided always, that every Person who shall so appeal shall give Security by Recognizance, with Two sufficient Sureties, to be entered into before the Commissioner or some Justice of the Peace in Ireland, conditioned to prosecute the Appeal, and abide the Order of the Court.

Clause A. When an Order declaring any Person Owner of a proposed Market or Fair shall have been made, Commissioners to settle Schedule of Tolls.

XVII. When an Order declaring any Person Owner of any proposed Market or Fair, or of any Market or Fair in which Tolls shall not be levied at the Time of the passing of this Act, shall have been made under the Provisions of this Act, the Commissioner shall proceed to settle the Schedule of Tolls to be demanded and taken in such proposed Market or Fair, provided that the Tolls on any Article mentioned in such Schedule shall not exceed the Tolls set forth in the Schedule to this Act annexed, and that Tolls shall not be payable in respect of any Article which is not included in the Schedule to this Act annexed; and such Schedule of Tolls, when so settled, shall be subject to the Provisions herein-before mentioned with respect to any Schedule of Tolls authorized to be demanded and taken in any Market or Fair when the Title of any Person to be Owner of such Market or Fair shall have been established under the Provisions of this Act.

XVIII. In

In case no Accommodation, or insufficient Accommodation, Commissioner may order Accommodation to be provided within a limited Time.

XVIII. In case it shall appear to the Commissioner that no Accommodation or insufficient Accommodation is given or provided in any Market or Fair by the Owner, for the Reception and Exposure for Sale of Cattle or any Articles in respect of which Tolls are payable, the Commissioner may, by an Order under his Hand and Seal of Office, direct that the Accommodation specified in such Order shall be given or afforded within the Time therein limited for that Purpose; and the Commissioner may order that until such Accommodation shall be complete, or the Order in that Behalf altered or rescinded, the Tolls payable in such Market or Fair, or some Portion of such Tolls, or the Tolls payable in a Part of such Market or Fair, to be specified in such Order, shall not be levied; but such Order may be appealed from by the Owner or by any Person thinking himself to be aggrieved thereby, in the same Manner as an Order declaring the Owner of a Market or Fair may be appealed from under the Provisions of this Act: Provided also, that every Person other than the Owner so appealing shall give Security as lastly herein-before provided.

In case Accommodation is provided, Commissioner is to give a Certificate.

XIX. In case the Accommodation specified in the Order of the Commissioner, or in any Order made upon Appeal therefrom, shall have been completed at or before the Time thereby limited for that Purpose, the Commissioner shall give a Certificate under his Hand and Seal of Office to the Owner of such Market or Fair, certifying that the Accommodation specified in such Order of the Commissioner, or in such Order made upon Appeal therefrom, has been provided; and in case the Owner of such Market or Fair shall neglect or refuse to provide such Accommodation for Twelve Calendar Months after such Order shall have been made, and a Copy thereof served on such Owner as aforesaid, or such other Time as the Commissioner or Court of Appeal may direct, the Commissioner may, by an Order under his Hand and Seal of Office, subject to Appeal as herein-after mentioned, declare that in consequence of the Neglect of such Owner to complete such Accommodation within the Time limited as aforesaid the Right of such Owner to hold such Market or Fair shall cease and determine; provided that the Commissioner may extend and enlarge the Time limited by such Order, or any Order made upon Appeal therefrom, for the Completion of the Accommodation specified in such Order; and every such Order of the Commissioner for such Accommodation, and every Order declaring that the Right of the Owner to hold such Market or Fair shall cease and determine, may be appealed from to One of the Superior Courts of Law in Ireland, within such Period, and subject to the like Regulations, and determined in the like Manner, as is herein-before provided in respect of Appeals from the Order of the Commissioner as to the Ownership of Markets or Fairs.

List of Tolls to be set up in conspicuous Places.

XX. Immediately upon such final Settlement of the said Schedule of Tolls the Tolls therein specified shall be the only Tolls which can be legally taken or claimed in the Market or Fair to which such Schedule shall apply; and all Persons collecting Tolls, or claiming a Right to the Tolls so collected, at any such Fair or Market in Ireland, shall erect, affix, and keep up, at all Times during the entire of the Days on which such Markets and Fairs are held, in some conspicuous Place at each of the principal Entrances of the same, a Board having painted thereon in large and legible Characters an exact Copy of such Schedule of Tolls, so that such Boards may be referred to and examined by any Person desirous of so doing.

Penalty for Neglect. 57 G. 3. c. 108. s. 3.

XXI. Every Person who shall demand any Toll or Custom, without having previously erected such Board, and duly kept up and maintained the same as aforesaid, or who shall demand any Toll or Custom not specified on such Board, shall forfeit for every such Offence the Sum of Forty Shillings, and shall refund the Amount of such illegal Toll to the Person improperly charged therewith: Provided, however, that in case it shall appear that any Toll Board shall have been defaced or removed by Violence, then such Collector shall not be liable to such Penalty, unless he shall neglect to reinstate such Board as soon as the same may be reasonably done.

57 G. 3. c. 108. s. 4. Penalty for defacing Board.

XXII. Every Person who shall deface or remove any such Board, or shall aid or assist in defacing or removing the same, shall for every such Offence forfeit a Sum not exceeding Five Pounds, or be liable to be imprisoned for any Period not exceeding Two Months.

Commissioner may, after Three Years, reconsider Schedule.

XXIII. The Commissioner may, at any Time after the Expiration of Three Years from the Settlement of any Schedule of Tolls, on the Application of the Owner, or of Twenty-one or more Persons rated to the Relief of the Poor to the Value of Eight Pounds and upwards, residing in the Town or Place at which such Market or Fair is held, or within Three Miles thereof, proceed to reconsider, revise, and settle such Schedule; and all the Powers, Directions, and Provisions herein-before contained in relation to the original Settlement of any Schedule of Tolls, and the Right of Appeal therefrom, shall apply to such new Revision, as if the same were here repeated.

Byelaws.

XXIV. The Commissioner may, after Notice to the Owner, from Time to Time, with such Approval as is herein-after required, make Byelaws for the Regulation of any Fair or Market (except such Fairs and Markets as are exempted from the Operation of this Act as herein-after mentioned), and for carrying the Purposes of this Act into execution, provided such Byelaws be not repugnant to the Laws of that Part of the United Kingdom, and may also, with the like Approval

proval, from Time to Time repeal or alter any such Byelaws; and the Commissioner by such Byelaws may impose such reasonable Penalties as he shall think fit, not exceeding Five Pounds for each Breach thereof.

Byelaws to be approved by the Lord Lieutenant in Council.

XXV. No such Byelaws shall come into operation until approved of by the Lord Lieutenant in Council, and a Copy thereof shall be lodged with the Clerk of the Peace of any and every County in which the Fair or Market, or any Part thereof intended to be affected by such Byelaws, is situate: Provided always, that before such Approval such Byelaws shall be published for Three consecutive Weeks in some Newspaper circulated in the County in which the Market or Fair to which such Byelaws relate shall be held, and also posted in some conspicuous Place in or near to such Market or Fair.

Copy of Byelaws to be posted in conspicuous Places and on nearest Police Barrack.

XXVI. A Copy of each of such Byelaws shall be transmitted to the Owner of each Fair or Market to which they shall apply; and such Owner shall thereupon erect and keep up, in some conspicuous Part of the said Fair or Market, during the entire of the Days on which the same are held, a Board, having painted thereon in large and legible Characters an exact Copy of each of such Byelaws, and shall also cause a written or printed Copy of each of such Byelaws to be posted at or near any Constabulary Barrack which shall be situate within or shall be most contiguous to such Fair or Market.

Publication of Byelaws.

XXVII. A Copy of such Byelaws so lodged with the Clerk of the Peace, and purporting to be signed by him or his Deputy, shall be conclusive Evidence of the making, Allowance, and due Publication of the said Byelaws, and the said Byelaws shall thereupon be (until repealed or altered as aforesaid) as binding and conclusive as if the same had been expressly enacted herein.

Penalty for not posting Byelaws.

XXVIII. Every Owner who shall neglect, within One Month from the Receipt of such Byelaws, to erect and keep up a Board having painted thereon a Copy of each of such Byelaws, shall for the First Offence forfeit the Sum of Forty Shillings, and for every such additional Offence he shall forfeit a Sum not exceeding the Sum of Five Pounds.

Constabulary to enforce Regulations of Commissioner.

XXIX. The Constabulary of the County in which each Fair or Market is situate shall be charged with the Duty of preserving Order therein, and shall keep or cause to be kept free from Obstruction and Nuisance all Passages and Thoroughfares leading unto or through such Market or Fair, and shall compel all Drivers of Cattle and Carts and Owners of Articles in respect of which Tolls are payable,

resorting to such Market or Fair, to go with their Goods to the Place where the Market or Fair is holden, provided there is Room and Accommodation therein for such Cattle, Carts, or Articles, and shall generally use their best Exertions to enforce the Byelaws and other Regulations of the Commissioner, and carry the same and this Act into effect and operation.

Upon Application to Lord Lieutenant, where Persons are willing to provide a better Site for any Market or a new Market, Lord Lieutenant may direct Inquiry.

XXX. Upon the Application to the Lord Lieutenant of Twenty-one or more Persons rated to the Relief of the Poor to the Value of Eight Pounds or upwards in any County or Town in Ireland, complaining of Inconvenience arising in such Town or in any Part of such County from the Want of a Market or Fair, or from the Want of a sufficient Number thereof, or from the Insufficiency of Accommodation or Inconvenience of the Site of any such Market or Fair as may be there held, or from the Day or Days on which the same has been previously held, and representing that the Applicants, or some or One of them, or some other Person named in such Application, are or is willing to provide an eligible Site for a Market or Fair in such Town or in such Part of such County, together with the requisite Accommodation for the same, it shall be lawful for the Lord Lieutenant, if he shall think fit, by his Warrant to direct the Commissioner to make Inquiry into the Matter of such Application, and otherwise to proceed in relation thereto under the Provisions of this Act.

Commissioner to make Inquiry, and may make Order thereon.

XXXI. The Commissioner shall, as soon as conveniently may be after being directed to make such Inquiry as aforesaid, go to the Town or Place where the existing Market or Fair is holden, or where it is proposed that a Market or Fair shall be established, and there make Inquiry into the Matter of such Application, and hold One or more Sittings for that Purpose, and may adjourn any such Sitting from Time to Time, and shall give Notice of the said Order of the Lord Lieutenant, and of the Time and Place of his First Sitting, by publishing the same in some Newspaper usually circulated in such Town or Place, and by Notice in Writing to the Owner of such existing Market or Fair, or of the Market or Fair usually holden nearest to the Place at which it is proposed that such new Market or Fair shall be established, which Notice shall be delivered to the Owner, or left at his usual Place of Residence, or transmitted to him thereat through the Post Office, at least One Month previous to the Time of such First Sitting.

Commissioner, by Order, to declare the Owner of

XXXII. After making such Inquiry as aforesaid, the Commissioner may make an Order under his Seal of Office, declaring that a Market or Fair shall thenceforth be held in the said Town or Place at such Times as he shall therein specify, and in such Case he shall also declare

declare who shall be the Owner of such Market or Fair, and what shall be the Accommodation to be provided by such Owner for the holding of the same, and the Time within which the same shall be provided, and the Tolls to be taken and levied at such Market or Fair, or so many of such Particulars or such other Particulars as shall appear to the Commissioner to be necessary; and such Order shall be subject to Appeal, as herein-before provided with respect to an Order declaring the Owner of any Market or Fair; and such Order, if not appealed from for the Period of Three Months from the making thereof, or if appealed from then as the same shall be affirmed or varied on Appeal, shall be final and conclusive as to the several Rights and Duties declared and enjoined therein.

Market and the Accommodation to be provided.

XXXIII. When the Owner of any proposed new Market or Fair, or the Owner of any existing Market or Fair, shall have completed the Accommodation directed by the Commissioner or the Court to be provided for that Purpose, the Commissioner may give such Owner a Certificate stating that such Accommodation has been provided; and any such Owner receiving such Certificate, and in other respects complying with the Requirements of this Act, shall be entitled from the Date of the Certificate to hold the said Market or Fair, and levy the Tolls specified in the Schedule of Tolls fixed by the Commissioner; provided that in case the Owner shall not have provided the Accommodation specified in the Order within the Time limited for that Purpose, the Commissioner may, upon the Expiration of the Time so limited, cancel the Order he shall have made in favour of such Owner, and make such further Order in favour of any other Persons whom he may declare to be entitled thereto, or, in case he shall so think fit, may apply for and obtain a Mandamus forth of the Court of Queen's Bench to compel the Person already declared to be the Owner of the Market or Fair to provide the Accommodation so directed as aforesaid.

When Accommodation provided Certificate to be given.

XXXIV. Nothing herein contained shall prejudice the Rights of any Person who shall have advanced Money to any Owner of any Market or Fair upon Security, by way of Mortgage or otherwise, of the Tolls of such Market or Fair; and the Tolls arising or to arise under the Provisions of this Act shall be liable to the Payment of the Sum due for Principal or Interest on such Security, as fully and effectually as the Tolls of such Market or Fair were liable before the passing of this Act.

Saving Rights of Mortgagee.

XXXV. It shall be lawful for the Owner of any Market or Fair to purchase Land in such Place or Places, and to such Extent, as the Commissioner shall approve, not exceeding in the whole Ten Acres, for the Purposes of providing improved or enlarged Site or Sites for such

Owner may purchase Land not exceeding Ten Acres for carrying

into effect Order of Commissioner.

such Market or Fair, or making convenient Approaches thereto, or of enlarging or otherwise improving the same or the Accommodation therein, under the Provisions of this Act; and for effecting such Purchase the Acts incorporated with this Act, so far as the Provisions of the same may be made applicable to this Act, shall be held to extend thereto, and the Commissioner shall, for the foregoing Purposes be invested with the Powers, Authorities, and Duties of the Arbitrator named in "The Railways Act (Ireland), 1851."

Owner may borrow Money.

XXXVI. The Owner of any Market or Fair may, with the Approval of the Commissioner, borrow at Interest, on the Security of the Lands appropriated to such Market or Fair, or any Property purchased for such improved Site, and of such Tolls and Charges as he may be authorized to levy under the Provisions of this Act, such Sums as he may think necessary for such Purposes, and may accordingly grant Mortgages of the Tolls authorized by this Act, and of the Property appropriated for such Market or Fair, or purchased for the improved Sites of such Markets or Fairs, or any Part thereof, to the Person advancing the Money, or his Nominee, as a Security for the same.

On Completion of Market or Fair, Tolls to be taken according to the Order.

XXXVII. When any New Market or Fair, or the additional Accommodation for the same mentioned in any Order under this Act, shall be completed and fit for Use, to the Satisfaction of the Commissioner, Notice thereof shall be published in One or more Newspapers circulated in the Neighbourhood of the Market or Fair, and a Copy of such Notice shall be lodged with the Clerk of the Peace of the County in which such Market or Fair is situate, and a certified Copy of such Notice shall be conclusive Evidence of such Completion, and also that all previous Steps and Proceedings have been duly taken, and thereupon such Market or Fair shall be deemed a legal Market or Fair, and the several Tolls to be taken at such Market or Fair, which are fixed in such Order, shall become payable to the Persons or Person mentioned in such Order, their and his respective Heirs and Assigns, or to their respective Officers: Provided always, that previously to the opening of any such Market or Fair the Schedule of Tolls and Copy of the Byelaws shall be painted and posted as hereinbefore provided.

Mode of giving Notice.

XXXVIII. Whenever Notice is herein-before directed to be given of any Order made or Schedule revised or settled by the Commissioner, such Notice shall be given by Publication of a Copy thereof in One or more Newspapers circulated in the Neighbourhood of the Market or Fair to which such Notice shall apply, and by posting printed

printed Copies thereof at such Places as the Commissioner shall direct; when the Ownership of any existing Market or Fair, or of any new Market or Fair, shall have been determined, and the Schedule of Tolls of such Market or Fair been revised and settled, and all other Matters and Things required to be done under the Provisions of this Act previous to the opening of such Market or Fair completed, the Commissioner shall by his Order fix and determine a Day on which such Market or Fair shall be opened for public Use, and Notice thereof shall be published in One or more Newspapers circulated in the Neighbourhood of such Market or Fair Ten Days at the least before the Day so fixed for the opening of such Market or Fair.

Commissioners to fix a Day for opening Market or Fair.

XXXIX. After any Market or Fair shall have been opened for public Use, under the Provisions of this Act, every Person who shall sell or expose for Sale in any Place within the Limits of such Market or Fair, or within such Distance beyond such Limits as such Commissioner shall, by any Byelaw made by him, fix and determine (except in his own Dwelling Place or Shop), any Articles in respect of which Tolls are by this Act payable and have not been paid (save as herein-after mentioned), shall for every such Offence be liable to a Penalty not exceeding Forty Shillings: Provided always, that nothing herein contained shall render liable to Toll or prevent the Sale in any House, Shop, or Store (within the Limits as before prescribed) of any Corn or other Article upon which Toll has already been paid to the Owner or Owners of the said Market: Provided also, that the Commissioner may, by any Byelaw to be made by him, authorize the selling or offering for sale, within such Distance beyond the Limits of such Market or Fair as shall be fixed and determined by the Byelaw made by the Commissioner as aforesaid, any Fish, Butter, Eggs, Milk, Fruit, Vegetables, or other marketable Commodity, in small Quantities and for domestic Consumption only.

Sales elsewhere than in Markets, &c. prohibited within Limits of Market, or within such Distance beyond such Limits as Commissioner shall determine.

Commissioner may authorise Sales of certain Articles for domestic Consumption only within such Distance beyond the Limits of Market or Fair as is hereinbefore mentioned.

XL. After any Market or Fair, or Place for Fairs, is opened for public Use, the Owner of such Market or Fair shall hold a Market or Fair therein on the Day or Days to be prescribed for such Purpose by the Commissioner, and on such other Days as the Commissioner shall appoint, from Time to Time, by any Byelaw to be made in pursuance of this Act.

Market Days.

XLI. The Person entitled to the Tolls of any Market or Fair in Ireland shall always keep or cause to be kept therein a Register containing such Particulars of the Quantity of the Articles sold in such Market or Fair, and the Weight and Prices thereof, so far as the same

A Register of the Quantity of Articles sold in Market or

Fair, &c. to be kept.

same can be conveniently ascertained, and such other Particulars relating to such Market or Fair as the Commissioner shall by his Order direct, and shall produce such Register to the Commissioner for his Inspection and Perusal as often as he shall be required, and shall permit Copies or Extracts to be made therefrom by such Person as the Commissioner or the Lord Lieutenant shall from Time to Time appoint; and every such Person who shall refuse or neglect to keep such Register or to permit such Copies or Extracts to be made, and every Person appointed to weigh any Articles sold in such Market or Fair who shall refuse or neglect to furnish Particulars of Weight for such Register, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Markets or Fairs no longer necessary may be discontinued, on Application of Grand Jury.

XLII. Upon the Application to the Lord Lieutenant of the Grand Jury of any County in Ireland, representing that any Market or Fair held within such County is unnecessary, and prejudicial to the Interests of the Locality wherein the same is held, and that for this or any other Reason such Market or Fair should, in the Opinion of such Grand Jury, cease to be held, it shall be lawful for the Lord Lieutenant, if he shall think fit, to direct the Commissioner to make Inquiry into the Matter of such Representation, and the Commissioner shall thereupon proceed to make such Inquiry in the Manner herein-before provided in other Cases of Inquiries directed to be made by him, and shall ascertain and determine whether or not such Market or Fair should cease to be held, and in case he should find in the Affirmative he may make an Order in relation thereto, in like Manner as herein-before provided in other Cases, directing that such Market or Fair shall cease to be held after the Lapse of Three Months from the Date of such Order; and every such Order shall be liable to be appealed from to One of the Superior Courts of Law in Ireland, and such Appeal shall be heard and determined as herein-before provided in respect of Appeals as to the Ownership of a Market in other Cases: Provided always, that if there be no Appeal within the Time limited for Appeals under the Provisions of this Act, or if the Report on such Appeal shall affirm such Order, Notice of such Order shall be given in the Dublin Gazette and in One or more Newspapers circulated in the Neighbourhood of such Market or Fair, and from and after the Time specified in such Order such Market or Fair shall cease to be a legal Market or Fair within the Meaning of this Act; and any Person holding such Market or Fair after the Time so specified, or levying or demanding any Tolls therein, shall be subject to a Penalty for every such Offence not exceeding Ten Pounds.

Collectors, Clerks, &c. to be ap-

XLIII. The Owner of the Market or Fair under this Act shall appoint and always maintain such Collectors, Weighmasters, and other

other Officers for the Conduct of the Business and for the Regulation of the Market or Fair, and for the Preservation of Order therein, as the Commissioner shall deem requisite and by any Order or Orders direct, and may from Time to Time remove and dismiss all or any of such Officers, and appoint others to fill the Situation or Situations so made vacant; and in case such Person shall wilfully neglect or refuse, for the Space of One Month after any such Order shall have been in force, to comply with the Directions contained therein, he shall be liable to a Penalty not exceeding Forty Shillings for every Week after the Expiration of such Period of One Month that he shall so neglect or refuse to appoint such Collector, Weighmaster, or other Officer; and the Commissioner shall be at liberty to appoint some proper Person to fill such Office, and to assign to him a Salary in respect thereof; and such Appointment and Salary, when so made, shall be as valid and effectual as if made and done by the Owner of such Market or Fair.

Appointed by Owners, as the Case may be.

XLIV. Every Officer so appointed shall, before entering on the Duties of his Office, make a Declaration before some Justice of the Peace that he will faithfully and honestly discharge the Duties of such Office, which Declaration any Justice of the Peace is hereby authorized to take, and the same shall be made under the Provisions of an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Sixty-two.

Officer to make Declaration that he will faithfully discharge his Duties.

XLV. Any Officer appointed by the Owner of the Market or Fair may seize any of the Articles specified in the Eighth Section of the "Summary Jurisdiction (Ireland) Act, 1851," exposed for Sale in a Market or Fair, and carry the same before a Justice, and such Justice shall thereupon deal with the Case according to Law; and every Person who shall obstruct or hinder such Officer from seizing or carrying away such Articles shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Penalty on obstructing Inspector in removing unwholesome Meat.

XLVI. Every Person who shall assault or obstruct any Constable or Person appointed to superintend the Market or Fair, or to keep Order therein, or to collect Tolls payable in respect thereof, or any Weighmaster or other Officer duly appointed under the Provisions of this Act, whilst in the Execution of his Duty, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings, or to be imprisoned for a Period not exceeding Two Calendar Months.

Penalty for obstructing Market or Fair Keeper.

XLVII. If any Collector or other Officer be discharged or suspended from his Office, under the Provisions of this Act, or die, or absent

Power to Justices to give Posses-

sion of Toll Houses, &c. to Persons entitled to Tolls, in case of Toll Collectors, &c. discharged or suspended.

absent himself, and if such Collector or other Officer, or any of his Family or Representatives, refuse or neglect, after Twenty-four Hours Notice in Writing for that Purpose, to deliver up to the Owner of any Market or Fair under this Act, or to any Person appointed by him for that Purpose, any Toll House, Dwelling House, Office, or other Building, with its Appurtenances, or any Weighing Machine, Beam, Scales, or Weights, or any Books, Papers, or other Matters belonging to any such Owner, in the Possession or Custody of any such Collector or other Officer at the Occurrence of any such Event as aforesaid, in right of his Appointment, then, upon Application being made by such Owner to any Two Justices of the Peace, it shall be lawful for such Justices to order any Constable, with proper Assistance, to enter upon such Toll House, Dwelling House, Office, or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Weighing Machine, Beam, Scales, Weights, Books, Papers, or other Matters, and to deliver the same to the Owner of such Market or Fair, or any Person appointed by him for that Purpose.

Power to lease Stalls, &c.

XLVIII. The Owner of any such Market or Fair may let any of the Stalls, Standing Places, Benches, or other Conveniences in the Market Places, to any Person for any Term not exceeding One Year.

Sub-letting prohibited.

XLIX. No Lessee of any Stallage, Stalls, Standing Place, Bench, or Conveniences in a Market or Fair shall assign, sub-let, or sub-demise the same or any Part thereof, and every such intended Assignment or Sub-lease shall be void, and no Rent shall be recovered in respect thereof.

Leases of Tolls made before Act to remain valid, and be adapted to altered State of Circumstances by Order of Commissioner, subject to Appeal.

L. Every valid Lease heretofore made and subsisting at the Commencement of this Act shall continue so to be, according to its Tenor and Effect; and if by reason of any of the Provisions of this Act any Question shall arise between the Owner of the Market or Fair, and the Lessee in any such Lease, as to the Construction or Operation or Effect thereof, the same shall be referred to the Commissioner, who shall make an Order in respect of the same, and insert in such Order the Particulars of such Alteration in or Modification of the Lease as he shall deem necessary, to adapt it to the altered State of Circumstances occasioned by this Act, as nearly as may be, and to carry out the true Intent and Meaning of the Parties thereto; and every such Order shall be liable to be appealed from to One of the Superior Courts of Law in Ireland, and such Appeal shall be heard and determined as herein-before provided in respect of Appeals as to the Ownership of Fairs; provided that if there be no Appeal within Three Calendar Months from the Date of such Order, or if the Report on such Appeal shall affirm or vary such Order, the Alteration

Alteration or Modification of the Lease specified in such Order, or varied by the Report on such Appeal, shall be carried into effect by by Indorsement on the Lease, or by some separate Instrument, as the Commissioner or Court shall determine.

Lessee, &c. to be deemed Collectors.

LII. During the Continuance of any such Lease, the Lessee, and also all Persons appointed by him or them to collect the Tolls and Rates so let, shall be deemed Collectors of Tolls and Rates so let, and they shall have the same Powers to collect and recover such Tolls and Rates, and be subject to the same Rules, Duties, and Penalties in reference thereto, and shall be appointed in the same Manner, as if they had been appointed for that Purpose by the Owner of such Tolls and Rates.

Lessee, &c making default to be removed.

LIII. If any such Lease shall be or shall become void or voidable, according to any Stipulation therein contained for that Purpose, by reason of the Failure or Omission on the Part of the Lessee to comply with any of the Terms of such Lease, or if all or any Part of the Rent thereby reserved shall be in arrear and unpaid for Twenty-one Days after the same shall have become payable, then, upon Application made by the Owner of the Tolls or Rates so let to any Justice or Justices in Petty Sessions assembled of the District, it shall be lawful for such Justice or Justices to order any Constable, with proper Assistance, to enter upon any Toll House, Dwelling House, Office, Weighing Machine, or other Building belonging to such Owner, and to remove from the same the Lessee or Assignee, or Collector or other Person found therein, together with his Goods, and take possession thereof, and of all Property found therein belonging to the Owner of such Tolls or Rates so let, and deliver the same to him, or any Person authorized by him for that Purpose.

Power of Parties to settle Disputes at Sales in Fairs or Markets extended to Cases where Amount in difference does not exceed 30*l.*

LIV. And whereas by the "Summary Jurisdiction (Ireland) Act 1851," it is enacted, that whenever any Dispute shall arise between any Buyer and Seller relating to the Terms of Sale, Delivery, Price, or Payment for any Article, Matter, or Thing which shall be exhibited for Sale in any Fair or Market (and which shall not be of a greater Value than Five Pounds), it shall be lawful for any Justice within his Jurisdiction either to proceed at once to hear and determine such Dispute, upon the Complaint of either Party, and in Presence of both Parties, and after causing all Parties to be brought before him for that Purpose, or to adjourn the Hearing thereof to the next Petty Sessions of the District; and it shall be lawful for such Justices, or the Justices at such Petty Sessions, having examined into the said Complaint, upon the Oath of either of the Parties, or of any Witness or Witnesses, to make an Award thereon according to the

Merits of the Case, and such Award shall be in Writing, and shall have the like Force and Effect as any Order made at Petty Sessions: The said Enactment shall extend and be applicable in the Case of any Dispute which shall arise between any Buyer and Seller relating to the Sale, or Terms of Sale, Delivery, Prices, or Payment for any Article, Matter, or Thing in any Fair or Market where the Amount of the Price to be paid for such Article, Matter, or Thing shall not exceed Thirty Pounds, and where the Sum in dispute shall not exceed Five Pounds, and the Amount awarded by the Justice shall be recoverable in like Manner as the Penalties imposed by this Act.

Mode of weighing certain Commodities.

LV. All Sales to be made at any Market or Fair in Ireland of any Corn, Potatoes, Hay, Straw, Flax, Green Food for Cattle, Carcases of Beef, dead Pigs, Butter, Wool, Hides and Skins, and such other Articles as the Commissioner may from Time to Time by any Byelaw appoint, shall be made by the following Weights, or some Multiple or Sub-multiple thereof respectively, from and after the First Day of October next after the passing of this Act; that is to say, the Pound, the Stone of Fourteen Pounds, the Quarter Hundred of Twenty-eight Pounds, the Half Hundred of Fifty-six Pounds, the Hundredweight of One hundred and twelve Pounds, or by the Ton of Twenty such Hundredweight; all Imperial Standard Weight.

No Allowance to be made in weighing for Beamage, &c.

LVI. All Articles, of what Nature or Kind soever, which shall be weighed at any such Market or Fair, shall be weighed and paid for at their just Weights, net Standing Beam, without any Deductions or Allowances, whether for Tret, Beamage, or Porterage, or otherwise howsoever, the Weight of any Vessel, Sack, Bag, Firkin, or other Thing (if any) containing the same alone excepted; and any Person taking any such Allowance or Deduction, with or without the Consent of the Seller, or buying or selling any Article by any Weight different from those herein specified, shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, and also such further Sum or Sums of Money to the Seller, as Compensation for any such Deductions, Allowances, or Substitutions of Weights, as the said Justices shall in that Behalf award.

Owners of Markets, &c. to provide proper Weights and Measures for weighing Commodities sold.

LVII. The Owner of any Market or Fair shall provide and always maintain sufficient and proper Weighing Houses, or Places for weighing or measuring the Commodities sold in the Market or Fair, and chargeable with Tolls, and shall keep therein proper Weights, Scales, and Measures, according to the Standard Weights and Measures for the Time being for weighing and measuring such Commodities as aforesaid, and shall, subject, however, to the Provisions in that Behalf herein-before contained, appoint proper Persons to attend to the weighing

weighing or measuring such Commodities at all Times during which the Market or Fair is holden.

CLAUSE B.

Weighmaster shall weigh any Vessel, &c. containing any Article weighed at Market or Fair, &c. at Request of Buyer or Seller.

LVIII. Every Weighmaster shall, when required so to do by the Buyer or Seller, weigh any Vessel, Sack, Bag, Firkin, or other Thing containing any Article which shall be weighed at any Market or Fair, and shall give a Ticket to the Person requiring him so to weigh such Vessel, Sack, Bag, Firkin, or other Thing, specifying the Weight thereof, without making any additional Charge there-for.

Inspection of Weights and Measures. 14 & 15 Vict. c. 92. s. 18.

LIX. The Owner of any Market or Fair may, at such Times as shall appear to him or them reasonable, not being less than once in every Three Months, require any Person appointed by the Grand Jury of any County to be an Inspector of Weights and Measures within the District in which any such Market or Fair shall be situate, or any Head or other Constable who shall have been selected to be an ex-officio Inspector of Weights and Measures within such District, to inspect the Weights and Measures used by any Person for the Sale of any Article in such Market or Fair, and the Inspector or ex officio Inspector respectively shall thereupon execute the Duties of his Office in such Market or Fair, with the like Powers, Liberties, and Indemnities as if he had been duly required by the Grand Jury of the County, or by the Justices at Petty Sessions respectively, to perform such Duties, and shall be subject to the like Penalties for any Neglect or Offence in the Discharge of such Duties as any Inspector of Weights and Measures may be liable to under and by virtue of an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Sixty-three; and any Person who shall use in such Market or Fair any Weight or Measure, other than those authorized by the said last-recited Act, for the Sale of any Article, shall on Conviction thereof be subject to the like Penalties for such Offence as any Person may be liable to for the like Offence under and by virtue of an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Ninety-two.

Articles to be weighed if requested by the Buyer, &c.

Penalty for Refusal.

LX. Every Person selling or offering for Sale any Articles in any Market or Fair shall, if he shall so think fit, or be required so to do by the Buyer, cause the same to be weighed or measured by the Weights and Scales or Measures provided as aforesaid; and any such Person who shall refuse, on Demand, to cause such Articles to be weighed or measured in manner aforesaid, shall be liable to a Penalty not exceeding Forty Shillings.

No Person, except Owner of

LXI. From and after the passing of this Act, it shall not be lawful for any Person or Persons, other than the Owner or Owners of the

Market, &c., shall erect Machine for weighing Articles sold therein.

Market or Fair, to erect or keep any Crane or other Machinery within such Market or Fair, or within the prescribed Limits thereof, for the Purpose of weighing, for Hire, upon the Day or Days on which such Market or Fair shall be holden, any Article for the weighing of which Toll is payable at such Market or Fair; and any Person found offending against this Provision shall for every Article he shall so weigh be liable to a Penalty not exceeding Forty Shillings.

Penalty on Weighmaster refusing to weigh.

LXII. Every Weighmaster who shall refuse or neglect to weigh or measure, or to give a Ticket to the Person requiring him so to weigh or measure, specifying the Nature, gross Weight or Bulk or Measure, of the Article measured, being an Article sold in the Market, and in respect of the weighing or measuring of which a Toll is payable, shall be liable to a Penalty not exceeding Forty Shillings.

Penalty on other Parties committing Frauds as to weighing.

LXIII. Every Person who shall knowingly act or assist in committing any Fraud respecting the weighing or Weight of any Article, in pursuance of this Act, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Owner of Market, &c., if required by Commissioner, to keep proper Machines for weighing Carts laden with Goods.

LXIV. If the Commissioner shall by any Order so direct, the Owner of any Market or Fair shall provide sufficient and proper Buildings or Places for weighing Carts in which Goods are brought for Sale within such Market or Fair, and shall keep therein Machines and Weights proper for that Purpose, and shall from Time to Time appoint a Person in every such Building or Place to afford the Use of such Machines to the Public by weighing such Carts, with or without their Loading, as may be required.

Carts to be weighed at One of the Machines erected by the Owner of Market, &c.

LXV. The Driver of every such Cart shall, at the Request of the Buyer or Seller of such Goods, or his Agent, take such Cart, with or without the Loading thereof, to the nearest of the said Weighing Machines, and shall permit the same to be weighed; and if such Cart be weighed with its Load thereupon, the Driver shall, if required, take such Cart, after its Load has been discharged, to the Weighing Machine nearest to such Place of Discharge, and permit it to be re-weighed without such Load; and if any such Driver shall for the Purposes aforesaid be required to take such Cart a greater Distance than Half a Mile, including the going to and returning from such Machines respectively, the Owner of the Cart shall be paid for every Horse which shall be used in drawing such Cart Twopence for the First Half Mile, and a like Sum for every additional Half Mile; and such Payment shall be made by the Person requiring such Cart to be weighed as aforesaid, before the Driver shall be obliged to take it as aforesaid for the Purpose of having it weighed.

LXVI. The

LXVI. The Driver of any such Cart who shall not, upon being so requested as aforesaid, and having such Payment made or tendered as aforesaid, take the same to such Weighing Machine as herein-before directed, or who shall refuse to assist in the weighing of the same, shall forfeit to the Person requiring such Cart to be weighed a Sum not exceeding Twenty Shillings. Penalty on Drivers for refusing to take Carts to be weighed, &c.

LXVII. Every Driver of any such Cart weighed at any Weighing Machine to be provided in pursuance of this Act, who shall commit any of the following Offences, shall be liable to a Penalty not exceeding Five Pounds for each Offence; (that is to say,) Penalties on Drivers of Carts, &c. committing Frauds in weighing.

If he at the Time of weighing any such Cart knowingly have anything in or about the same other than the proper Loading thereof:

If he alter any Ticket denoting the Weight of any such Cart or the Loading of the same:

If he make or use, or be privy to making or using, any Ticket falsely stating the Weight of any such Cart or the Loading thereof:

If he, after the weighing of any such Cart with the Loading thereof, remove any Part of such Loading, and afterwards dispose of or attempt to dispose of or represent the Residue of such Loading as being the full Loading denoted by such Ticket:

If he, between the Time when the Cart and the Loading thereof have been so weighed and the Time when such Cart so weighed without such Loading, change the Wheels of such Cart, or make any other Change upon it after being required to allow such Cart to be weighed without the Loading thereof:

If he be guilty of any other fraudulent Contrivance to misrepresent the Weight of any such Cart or of the Loading thereof.

LXVIII. If the Buyer or Seller of any Goods brought in any Cart for Sale within the Market or Fair, and which shall be required to be weighed as aforesaid, shall do anything to such Cart or its Loading whereby the true Weight thereof respectively shall be altered before such weighing, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds. Penalty on Buyers or Sellers for committing Frauds in weighing.

LXIX. The Person for the Time being appointed to keep any Weighing Machine provided in pursuance of this Act shall be liable to a Penalty not exceeding Five Pounds, in any of the following Cases; that is to say, Penalties for Frauds committed by the Machine Keeper.

If he wilfully neglect, on Application, duly to weigh any Cart, with or without its Loading, as the Case may be, that is brought to the Machine kept by him to be weighed:

If he do not fairly weigh every such Cart, with or without its Loading, as the Case may be:

If he do not deliver to the Buyer or Seller of any such Loading, or to any Person interested therein, on Application, a Ticket or Account specifying the true Weight of such Cart, with or without its Loading, as may be required:

If he give to the Driver of any such Cart a false Ticket or Account of the Weight of such Cart, with or without the Loading thereof:

If he weigh any Cart, with or without its Loading, knowing that anything had been done to such Cart or to the Loading thereof to alter the true Weight thereof respectively:

If he knowingly assist in or connive at any Fraud concerning the weighing of any Cart or the Loading thereof, or make or connive at making any false Representation of the Weight of the same respectively.

Penalty on other Parties committing Frauds as to weighing.

LXX. Every Person who shall knowingly aid or assist in committing any Fraud respecting the weighing or Weight of any Cart or the Loading thereof, in pursuance of this Act, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Clause C.

LXXI. Every Person who shall commit any of the following Offences shall be liable to a Penalty not exceeding Five Pounds for each Offence, that is to say,

If he shall present to or procure the Weighmaster, Inspector, or Salesman, Clerk, or Officer, or Deputy of any Officer in any Market to stamp, sign, or enter any Ticket importing that any Corn, Butter, or other Commodity has been sold in such Market before an actual Sale of said Commodity, at the Price mentioned in said Ticket, shall have been actually made, or with any Name in said Ticket as that of the Buyer other than the Name of the actual Buyer of the said Goods:

If he shall alter in any Particular any Ticket after the same shall be signed, stamped, passed, or entered by any such Weighmaster, Inspector, or other Officer:

If he shall counterfeit or simulate or cause or procure to be counterfeited or simulated any Brand or Stamp used and adopted by any Trustees, Commissioners, Corporation or Association, or by any Weighmaster or Inspector for denoting the Weight or the Quality of any Article, or the Impressions of any such Brand or Stamp, or shall use or procure to be used any such false or counterfeit Brand or Stamp to brand or stamp any Cask.

Tolls in respect of

LXXII. The Tolls in respect of any covered or uncovered Shed, Stall, Bulk, Block, Bench, Trestles, Standing Place, Compartment, Space

Space, Station, or Cart used by any Person for selling or exposing for Sale Flesh Meat, Fish, Cheese, Butter, Vegetables, Fruit, Glass, Earthenware, Cloth, Hosiery, or other Goods, Article, Matter, or Thing whatsoever, or for exposing for Sale any Article, Matter, or Thing on the Surface of the Ground, shall become payable upon the Commencement of the Market or Fair, to be notified in the Manner herein-after mentioned, and shall be levied and paid as soon after the Commencement of such Market or Fair as such Tolls can be reasonably collected.

Covered Sheds, &c. payable upon Commencement of Market or Fair.

CLAUSE D.

LXXIII. Every Person who shall, within the Limits prescribed as aforesaid, knowingly commit or aid or assist in committing any Fraud whatsoever in respect of any Goods upon which Tolls are hereby made payable subsequent to the Sale, and prior to the Delivery thereof, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Persons committing Frauds in respect to Goods on which Tolls are payable liable to Penalty of 5*l.*

LXXIV. The Tolls in respect of the weighing or measuring any of the Articles specified in the Schedule to this Act annexed, and in respect of the weighing or measuring of which Tolls are payable, shall be paid to the Weighmaster weighing or measuring the same by the Persons requiring the same to be weighed or measured at the Time, immediately upon the same being so weighed or measured.

Tolls for weighing to be paid to Persons authorized before the Articles are weighed, &c.

LXXV. The Tolls in respect of any Cattle brought into any Market or Fair for Sale shall become payable before-hand, and in anticipation of the Easement or Accommodation thereby and therein afforded, and in respect of which the same is payable, and shall be levied and paid upon the Entrance of such Cattle into any such Market or Fair, and before such Cattle have been put into any Pen or tied up therein, or in any way exhibited for Sale in such Market or Fair.

Tolls in respect of Cattle, when due.

LXXVI. Every Person who shall knowingly or wilfully demand or receive a greater Toll than that authorized to be taken under the Provisions of this Act, or who shall demand Tolls in respect of any Article in respect of which Tolls are not payable under the Provisions of this Act, or who shall knowingly and wilfully demand Tolls upon any Article in respect of which Tolls have been already levied and paid, shall for every such Offence be liable to a Penalty not less than Forty Shillings, and not exceeding Five Pounds.

Penalty on taking a greater Toll than authorized by this Act.

LXXVII. If any Person liable to the Payment of any Tolls authorized by this Act to be taken do not pay the same when demanded, any Person authorized to collect the same may refuse to admit the Cattle or other Articles in respect of which Tolls are so demanded into

Cattle in respect of which Parties refuse to pay Tolls not to be

admitted, and if admitted may be turned out with Articles liable to Tolls where Owners refuse to pay the same.

into the Market or Fair, and in case such Cattle or other Article in respect of which Tolls are payable have already obtained Admission into such Market or Fair, may remove, expel, and turn out such Cattle or Article therefrom and thereout.

Recovery of Penalties. 14 & 15 Vict. cc. 92, 93.

LXXVIII. The Provisions of "The Summary Jurisdiction (Ireland) Act, 1851," and of "The Petty Sessions (Ireland) Act, 1851," shall, so far as the same are applicable, extend to the Recovery of all Penalties imposed by the Provisions of this Act; and the Commission or Omission of any of the acts herein-before mentioned, subjecting the Parties committing or omitting the same to any Penalties herein-before declared, shall be an Offence within the Meaning of the Twenty-second Section of "The Petty Sessions (Ireland) Act, 1851," and the Penalties shall be recoverable in the Manner therein provided for the Recovery of Penalties under that Act.

Disputes respecting Tolls how to be settled.

LXXIX. If any Dispute arise concerning any Tolls, such Dispute shall be determined by a Justice; and such Justice shall, on Application made to him, determine the same, and make such Order therein, and award such Costs to either Party, as to him shall seem proper; and in default of Payment, on Demand, of the Money which shall be so awarded, and of the Costs, the same shall be forthwith levied by Distress, and the Justice shall issue his Warrant accordingly.

Act not to extend to Dublin, or Markets, &c. under Local Acts.

LXXX. This Act shall extend only to Ireland; and nothing herein contained, save and except the Provisions for regulating the Mode of weighing certain Commodities contained in Sections Fifty-five and Fifty-six, and also the Provisions in Clause Seventy for the Prevention and Punishment of Frauds, and also the Provisions contained in Section Forty, requiring a Register of the Quantity of Articles sold in Markets or Fairs and other Particulars to be kept, shall extend to or affect the Borough of Dublin, or any Market or Fair regulated by any Local Act of Parliament, or held under the Provisions of any such Local Act: Provided always, that the Provisions of this Act, save and except the Sections herein-before mentioned, shall not extend or apply to the Butter Market of the Committee of Merchants at the City of Cork before the First Day of January One thousand eight hundred and sixty.

Clause E. Provision as to placing Markets.

LXXXI. If any Market or Fair in Ireland is or shall be regulated by any Special or Local Act of Parliament, it shall be lawful for any Persons rated to the Relief of the Poor in a Sum of not less than Eight Pounds

Pounds, within any Town, County of a City or County of a Town, or County in or adjacent to which the said Market or Fair is or shall be held, not less than Twenty-one in Number, to present a Memorial to the Lord Lieutenant, praying that said Market or Fair shall be placed under and subjected to the Provisions of this Act, and thereupon the Lord Lieutenant may, if he shall think fit, direct the said Commission to hold an Inquiry within the said Market Town, and determine whether such Market or Fair should be placed under the Operation of this Act; and for the Purposes of such Inquiry the Commissioner shall have and exercise all the Powers and Authorities conferred on him by this Act.

Regulated by Special Acts under Provisions of this Act.

CLAUSE F.

LXXXII. The said Commissioner shall cause due Notice, in manner as heretofore provided, to be given previous to any such Inquiry being held, and shall, after the holding thereof, make his Adjudication in Writing, and cause the same when made to be posted in some conspicuous Place within the same Town, County of a City, or County of a Town, or County, and to be inserted in One Newspaper at least in Circulation within the County within which such Market is situated.

Notice of Inquiries to be given by Commissioner.

CLAUSE G.

LXXXIII. It shall and may be lawful for the Trustees or Commissioners under any such Special or Local Act, or for any Number of Persons not less than Twenty-one in Number, resident within the said County Town, County of a City, or County of a Town in which the said Market is situated, to appeal at any Time within the Period of Four Weeks from the Publication of such Adjudication to the Lord Lieutenant in Council in Ireland, from any such Adjudication, and the Adjudication of such Commissioner shall, after the Expiration of the said Period of Four Weeks from the Publication thereof, unless the same shall have been appealed from; and in case of any such Appeal, it shall and may be lawful for the Lord Lieutenant in Council to alter, vary, or confirm without Change the said Award, which said Award so finally adjudicated upon or confirmed shall thenceforward be the Award of the said Commissioner, to all Intents and Purposes, and thereupon, after due Notification of such Award, in such Manner as the Lord Lieutenant shall direct, the said Market or Market Town shall be subject to or exempt from the Operation of this Act, according to the Terms of such Award.

Appeal against Commissioner's Adjudication.

CLAUSE H.

LXXXIV. The Costs of any such Appeal as aforesaid shall be in the Discretion of the Lord Lieutenant in Council.

Costs of Appeal.

SCHEDULE.

Tolls payable.

For every covered or uncovered Shed, Stall, Bulk, Block, Bench, Trestle, Standing Place, Compartment, Space, or Station used by any Person for exposing to Sale Flesh Meat, Cheese, Bacon, pickled Pork, Fish, or any other Victuals, Vegetables, Fruit, Glass, Earthenware, or other Goods, Article, Commodity, or Thing whatsoever, (except as herein otherwise specifically charged,) the following Tolls per Day shall be taken :—

Not exceeding Six Feet by Five Feet, One Shilling :

Not exceeding Nine Feet by Five Feet, One Shilling and Sixpence :

Not exceeding Twelve Feet by Five Feet, Two Shillings :

And in the same Proportion for any larger Space.

Carts.

For every Cart or other Vehicle used by any Person for exposing or in which shall be exposed to Sale any Article, Commodity, or Thing, the following Tolls per Day :—

If drawn by One Horse, Ninepence; by Two Horses, One Shilling :

If drawn by any One other Animal, Sixpence; or if by Two other Animals, Ninepence.

Butter.

For every Basket, Parcel, or Quantity of Butter not exceeding Fourteen Pounds Weight, One Penny per Day :

For each additional Seven Pounds Weight, One Halfpenny per Day :

For every Firkin, Tub, Barrel, or Cask of Butter, exceeding Twenty-eight Pounds and not exceeding One hundred and twelve Pounds, Threepence per Day.

Corn.

For every Sack of Wheat, Oats, Bere, Beans, Peas, or Rye (except such as shall have been imported from beyond the Seas), One Penny per Day.

Game

Game and Poultry.

For Poultry, including Fowls, Chickens and Ducks, Wild Fowls, Pigeons, and Rabbits; viz.—

Not exceeding Three Couple, One Penny per Day:
For each additional Three Couple, One Penny per Day:
For every Turkey or Goose, One Penny per Day:
For every Head of Game, One Penny per Day:
For each Dozen of all other Description of Birds, Twopence per Day.

Eggs.

For every Basket, Parcel, or Quantity of Eggs after One Dozen, One Halfpenny per Day:
For each additional Dozen, One Halfpenny per Day.

Cattle.

For the Exposure to Sale of Horses or other Beasts, Cattle, or Pigs as follows; (that is to say,)

For every Horse, Mare, or Gelding, Fourpence:
For every Mule, Ass, Colt, Filly, or Foal, Twopence:
For every Bull, Ox, Cow, Heifer, or Steer, Threepence:
For every Stallion exposed or shown on a Market Day, One Shilling:
For every Calf, One Penny:
For every Score of Sheep or Lambs, Tenpence:
For every Score of Pigs, Tenpence:
For every Score of Sucking Pigs, Fivepence:

And so on in proportion for any greater Number, and One or more, not exceeding Five, to be paid for as a Quarter of a Score.

Fruit.

For every Quantity not exceeding Half a Bushel, Twopence per Day:
For every Quantity exceeding Half a Bushel and not exceeding One Bushel, Fourpence per Day:
For every additional Half Bushel, Twopence per Day.

Vegetables.

For every Quantity not exceeding One Bushel, Twopence per Day:
For every additional Half Bushel, One Penny per Day.

Fish.

For all Salmon, Trout, Turbot, Mackerel, and Soles, at the Rate of Twopence per Stone per Day:
All other Kinds of Fish, except Shellfish, at the Rate of One Penny per Stone per Day:

For every Description of Shellfish, at the Rate of Fourpence per Bushel per Day.

Weighing and Measuring.

For weighing every Piece of Meat or any other Article or Thing weighing not more than Twenty-one Pounds Avoirdupois, One Halfpenny:

For weighing every Piece of Meat or other Article or Thing weighing more than Twenty-one Pounds and not exceeding One hundred and twelve Pounds, One Penny, and so in proportion for any greater or smaller Quantity than One hundred and twelve Pounds Weight over and above One hundred and twelve Pounds Weight:

For measuring any Quantity of Goods and Things sold by Measure not exceeding One Bushel, One Halfpenny:

For measuring every Quantity more than a Bushel and not exceeding Two Bushels, One Penny:

And for every Bushel beyond Two Bushels, One Halfpenny.

Weighing Machines.

For weighing any Cart or other Carriage not exceeding One Ton, Fourpence:

And so in proportion for any greater Weight than One Ton.

General Tolls.

For every Basket, Hamper, Parcel, or Quantity of any other Goods, Commodity, Article, or Thing exposed or offered for Sale there, not before specifically charged or enumerated, or falling within any of the preceding Heads; that is to say,

If the Spot on which the Person shall stand be covered over from the Weather, not containing more than One Bushel, One Penny Halfpenny:

For every additional Half Bushel, Three Farthings.

If the Spot be not covered over as above, not containing more than One Bushel, One Penny:

For every additional Bushel, One Halfpenny.

The above-mentioned Tolls and Stallage in the said Markets and Fairs to be paid and payable in respect to the Occupation of any Stall, Bench, Compartment, or Space of Ground, as well by the original Taker or Occupier thereof for a Part or Portion of the Day or Space of Time, as by any subsequent Taker or Occupier of the same for any other Part or Portion of the Day or Space of Time.

Markets and Fairs (Ireland).

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

For the Regulation of Markets and Fairs in Ireland.

(*Prepared and brought in by Mr. Henry Herbert and Mr. Attorney General for Ireland.*)

Ordered, by The House of Commons, *to be Printed,* 13 *July* 1858.

[Bill 208.]

Under 5 oz.

23 *March* 1858. 21 Vict.

A

B I L L

TO

Legalize Marriage with a deceased Wife's Sister.

WHEREAS it is expedient to amend the Law as to Marriage with a deceased Wife's Sister: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Repeal of Statutory Prohibition of Marriage with a deceased Wife's Sister.

I. So much of any Act or Acts of Parliament as render void or voidable any Marriage celebrated between a Man and his deceased Wife's Sister is hereby repealed.

Such Marriages before the passing of this Act not to be void or voidable.

II. No Marriage which has been or hereafter shall be celebrated at any Time or Place whatever, within this Realm or without, between a Man and his deceased Wife's Sister, shall be deemed to have been nor shall be void or voidable by reason only of the Affinity of the Parties thereto, or by reason of any canonical or other Objection or Impediment, founded only on such Affinity, to the Validity of such Marriages or to the Celebration thereof, or to the Validity of any Licence or Certificate under which the same may have been celebrated.

Provision for saving Rights.

III. Provided, That nothing herein contained shall invalidate or affect any Right to any Dignity or Title of Honour, or any Estate, Right, Title, or Interest, legal or equitable, in or to any Lands,

Hereditaments, Chattels, or Effects vested in any Person before *the passing of this Act*, nor any contingent Estate or Interest, legal or equitable, in any Lands, Hereditaments, or Chattel Real, created by or derived from any Settlement, Grant, Conveyance to Uses, Release, Appointment, or other Instrument bonâ fide executed before *the passing of this Act*, or by or from any Devise or Will which shall have become operative by the Death of the Devisor or Testator before *the passing of this Act*, which Estate or Interest would or might but for the passing of this Act hereafter become vested in or be enjoyed by or held for the Use or Benefit of any Person, but in each and every of the Cases aforesaid such Estate, Right, Title, and Interest respectively shall remain to all Intents the same as if this Act had not been passed.

Act not to affect anything done before the passing thereof in any Administration or in the Execution of any Will or Trust.

IV. Provided also, That nothing herein contained shall invalidate, alter, or affect any Act or Thing done before *the passing of this Act* under the Authority of any Court, or in the Administration of any Estate or Effects, Real or Personal, or in the Execution of any Will, or in the Performance of any Trust.

Clergyman shall not be compelled to solemnize.

V. Provided also, That no Clergyman in Holy Orders of the United Church of England and Ireland shall be compelled to solemnize the Marriage of a Man with his deceased Wife's Sister, or shall be liable to any Suit, Penalty, or Censure for solemnizing or refusing to solemnize any such Marriage.

Extent of Act.

VI. This Act shall not extend to Marriages hereafter contracted in Scotland.

Marriage Law Amendment.

A

B I L L

To legalize Marriage with a deceased Wife's Sister.

(*Prepared and brought in by Viscount Bury, Mr. Schneider, and Mr. Monckton Milnes.*)

Ordered, by The House of Commons, *to be Printed*, 23 *March* 1858.

[Bill 35.]

Under 1 *oz.*

2 *June* 1858. 21 Vict.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Legalize Marriage with a deceased Wife's Sister.

WHEREAS it is expedient to amend the Law as to Marriage with a deceased Wife's Sister: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. No Marriage which has been celebrated at any Time or Place whatever, within this Realm or without, between a Man and his deceased Wife's Sister, or which shall hereafter be celebrated between the like Parties in the Office of any Registrar under the Provisions of the Sixth and Seventh of William the Fourth, Chapter Eighty-five, or of the First of Victoria, Chapter Twenty-two, or of the Third and Fourth of Victoria, Chapter Seventy-two, or of the Nineteenth and Twentieth of Victoria, Chapter One hundred and nineteen, shall be deemed to have been nor shall be void or voidable by reason only of the Affinity of the Parties thereto, or by reason of any Statute, or of any Canonical or other Objection or Impediment, founded only on such Affinity, to the Validity of such Marriages or to the Celebration thereof, or to the Validity of any Licence or Certificate under which the same may have been celebrated. Marriages with deceased Wife's Sister before the passing of this Act not to be void or voidable, and such Marriages to be legal in future.

Provision for saving Rights.

II. Provided, That nothing herein contained shall invalidate or affect any Right to any Dignity or Title of Honour, or any Estate, Right, Title, or Interest, legal or equitable, in or to any Lands, Hereditaments, Chattels, or Effects, vested in any Person before *the passing of this Act*, nor any contingent Estate or Interest, legal or equitable, in any Lands, Hereditaments, or Chattel Real, created by or derived from any Settlement, Grant, Conveyance to Uses, Release, Appointment, or other Instrument bonâ fide executed before *the passing of this Act*, or by or from any Devise or Will which shall have become operative by the Death of the Devisor or Testator before *the passing of this Act*, which Estate or Interest would or might but for the passing of this Act hereafter become vested in or be enjoyed by or held for the Use or Benefit of any Person, but in each and every of the Cases aforesaid such Estate, Right, Title, and Interest respectively shall remain to all Intents the same as if this Act had not been passed.

Act not to affect any Canon of the Church.

III. Provided also, That nothing herein contained shall invalidate, alter, or affect any Canon or Constitution Ecclesiastical of the United Church of England and Ireland now in force.

Extent of Act.

IV. This Act shall not extend to Marriages hereafter contracted in Scotland.

Marriage Law Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE]

To legalize Marriage with a deceased Wife's Sister.

(*Prepared and brought in by Viscount Bury, Mr. Schneider, and Mr. Monckton Milnes.*)

Ordered, by The House of Commons, *to be Printed.*
2 *June* 1858.

[Bill 101.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to remove Doubts as to the Validity of certain Marriages of British Subjects abroad.

WHEREAS Marriages have from Time to Time been solemnized at Moscow in the Empire of Russia, in a Chapel there belonging to the Russia Company, but not belonging to any British Factory there, by the Chaplain, a Minister of the Church of England, and Doubts may be entertained concerning the Validity of such of the said Marriages as may have been solemnized since the passing of the Act of the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Sixty-eight: And whereas certain Marriages of British Subjects were solemnized in Tahiti, by or in the Presence of Mr. George Charles Miller, Her Majesty's Consul for the Island of Tahiti and its Dependencies, before the Authority, under the Hand of One of Her Majesty's Principal Secretaries of State, to solemnize and register Marriages according to the Provisions of the said Act of the Twelfth and Thirteenth Years of Her Majesty, was received by such Consul: And certain Marriages have been solemnized at Ningpo, by or in the Presence of Mr. C. A. Sinclair, Her Majesty's Vice-Consul there, and by or in the Presence of Mr. Thomas Taylor Meadows, acting as Vice-Consul at Ningpo in the Absence of the said C. A Sinclair, no such Authority as before mentioned to solemnize and register Marriages having been

Preamble.

12 & 13 Vict. c. 68.

 received

received by such Vice-Consul or acting Vice-Consul; and Doubts may be entertained as to the Validity of such Marriages: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Certain Marriages solemnized in Moscow, Tahiti, and Ningpo confirmed.

I. All Marriages which before the passing of this Act have been solemnized in the Chapel of the Russia Company at Moscow by the Chaplain of the said Company, or by any Minister in Holy Orders, according to the Rites and Ceremonies of the United Church of England and Ireland, and all Marriages solemnized in the Island of Tahiti or its Dependencies by or in the Presence of the said George Charles Miller, and all Marriages solemnized at Ningpo by or in the Presence of the said C. A. Sinclair or Thomas Taylor Meadows (both or one of the Parties to such respective Marriages being Subjects or a Subject of this Realm), shall be deemed and held to be as valid in the Law as if the same respectively had been solemnized within Her Majesty's Dominions with a due Observance of all Forms required by Law.

Certificates received by Secretary of State to be sent to the Registrar-General, and certified Copies to be Evidence as under 6 & 7 W. 4. c. 86.

II. It shall be lawful for One of Her Majesty's Principal Secretaries of State to transmit to the Registrar-General of Births and Marriages in England all such Certificates of the Marriages solemnized as aforesaid as have been or shall be transmitted to the Office of such Secretary of State, under the Seal of the said Russia Company, or by Her Majesty's Consuls or Vice-Consuls at Moscow, Tahiti, and Ningpo respectively; and all Certificates which shall be transmitted to such Registrar-General by such Secretary of State as Certificates of the Marriages confirmed by this Act shall be received by such Registrar-General, and shall be kept in the General Register Office in manner directed by the Act of the Session holden in the Sixth and Seventh Years of King William the Fourth, Chapter Eighty-six, "for registering Births, Deaths, and Marriages in England," concerning the certified Copies of Registers sent to the said Registrar-General, as therein mentioned; and a certified Copy of any such Certificate, such Copy purporting to be sealed or stamped with the Seal of the General Register Office, shall be received as Evidence of the Marriage to which the same relates having been solemnized as aforesaid, without further or other Proof.

Right to search and have Copies.

III. All Persons shall have the like Right to search such Certificates and to have certified Copies thereof, and upon the like Payment, as provided under the said Act with respect to Searches in the Indexes to be made and kept in the said Register Office under that Act

Act, and certified Copies of Registers therein mentioned; and Section Forty-three of such Act concerning the destroying, injuring, or falsifying of Register Books, or giving false Certificates of Entries, or certifying any false Copy or Extract, shall be applicable with respect to the Certificates to be received by the said Registrar-General under this Act in the like Manner as such Enactment applies with respect to such Register Books.

Marriages (Moscow, Tahiti, and Ningpo).

A

BILL

INTITULED

An Act to remove Doubts as to the Validity of certain Marriages of British Subjects abroad.

(*Brought from the Lords* 9 *July* 1858.)

Ordered, by The House of Commons, *to be Printed,* 16 *July* 1858.

[Bill 222.]

Under 1 *oz.*

28 *April* 1858. 21 Vict.

A

B I L L

TO

Enable Masters and Workmen to form Councils of Conciliation and of Arbitration.

WHEREAS it is expedient, the better to facilitate the Settlement of Disputes between Masters and Workmen, that they should be enabled to form Councils of Conciliation and Arbitration in the large Mercantile, Manufacturing, and Mining Districts, and to amend and extend the Provisions of an Act passed in the Fifth Year of the Reign of King George the Fourth, intituled "An Act to consolidate and amend the Laws relative to the Arbitration of Disputes between Masters and Workmen:" And whereas another Act was passed in the First Year of the Reign of Her present Majesty Queen Victoria, Chapter Sixty-seven, to amend the said recited Act: And whereas it is further expedient to alter and amend the said recited Acts so far as they relate to the Nomination, Appointment, and Power of Referees, Arbitrators, and Justices: And whereas an Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled "An Act to make further Regulations respecting the Tickets of Work to be delivered to Silk Weavers in certain Cases," and for the better Recovery of the Wages and Sums due for Work: And whereas it is also expedient to extend the Provisions and Enactments of the said Act to all other Trades, Occupations, and Employments whatsoever, except so far as relates

Preamble.

5 G. 4. c. 96.

8 & 9 Vict. c. 128.

to the "Count or Richness of the Warp or Cane, the Number of Shoots "or Picks required in each Inch, the Number of Threads of Weft to "be used in each Shoot, the Name of the Manufacturer, or the Style "of the Firm under which he carries on his Business, the Weaver's "Name, with the Date of the Engagement, and the Price in Ster- "ling Money agreed on for executing each Yard Imperial Standard "Measure of Thirty-six Inches of such Work in a workmanlike "Manner:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to form Councils of Conciliation.

I. That it shall be lawful for the Masters and Workmen in any Trade, Occupation, Employment, or Calling whatsoever in any City, Borough, Town, Stewartry, Riding, Division, Barony, Liberty, or other Place within the United Kingdom of Great Britain and Ireland, to form equitable Councils of Conciliation and Arbitration, consisting of an equal Number of Masters and Workmen, who shall have Power to appoint their own Chairman, Clerk, or such other Officer or Officers as they may deem requisite, and to hear and determine all Questions of Dispute and Difference between Masters and Workmen, as set forth in the before-recited Act, Fifth George the Fourth, Chapter Ninety-six, as may be submitted to them, and have, hold, and exercise all the Powers and Authority granted to Arbitrators, Referees, Justices, and others, and awarded to them under the various Enactments and Provisions of the Acts before recited; and any Award the said Councils of Conciliation and Arbitration may make in any Case of Dispute or Difference submitted to them under the before-recited Act or Acts shall be final and conclusive between the Parties to such Arbitration, without being subject to Review or Challenge by any Court or Authority whatsoever (except the Commitment of refractory Witnesses or others to Prison, or the issuing of Warrants of Distress, which Power shall still remain invested in the Justices, as provided by the aforesaid mentioned Acts), providing such Council has been licensed as hereafter set forth.

Powers, &c.

Exceptions.

Extension of Act 8 & 9 Vict. c. 128. to all Trades and Occupations.

II. All the Provisions and Enactments of the Act Eighth and Ninth of Her present Majesty, Chapter One hundred and twenty-eight, intituled "An Act to make further Regulations respecting "the Tickets of Work to be delivered to Silk Weavers in certain "Cases," shall be extended and construed to extend to all other Trades, Occupations, and Employments whatsoever, as if those Provisions and Enactments had been re-enacted in this Act, and expressly extended and made applicable to each Trade, Occupation, or Employment, as though each Trade was specially named herein; and

and the said Tickets in each Case ("unless both Parties shall, by "Writing under their respective Hands, agree to dispense therewith,") shall contain the Name of the Master, or his Agent or Servant, the Name of the Workman, the Quantity, Quality, Weight, and Length of the Goods to be made or manufactured, or such other Description as may be mutually agreed to by both Masters and Workmen, and the Wages or Price to be paid for a certain Amount of Work to be made; and the said Ticket shall be Evidence in all Cases of Dispute, as though it was particularly set forth in this Act.

Power to Her Majesty or Secretary of State to license Courts of Conciliation.

III. If any Number of Masters and Workmen, being Inhabitant Householders of any City, Borough, Town, Stewartry, Riding, Division, Barony, Liberty, or other Place, shall jointly petition Her Majesty to grant them a Licence to form a Council of Conciliation and Arbitration, to hold, have, and exercise all the Powers granted to Arbitrators, Referees, and others under the before-recited Acts, it shall be lawful for Her Majesty, or Her Majesty's Principal Secretary of State for the Home Department, to grant such Licence, providing such Petition has been published *One Month* before the granting of such Licence in the London Gazette and in One or more of the local Newspapers of the Place from whence such Petition emanates, and countersigned by the Clerk of the Peace for the said City, Borough, or other Place aforesaid mentioned.

Courts to consist of Three Masters and Three Workmen and a Chairman.

IV. The said Council shall consist of not less than *Two* Masters and *Two* Workmen, or more than *Six* Masters and *Six* Workmen, and a Chairman, the Number to be stated in the Petition and Licence; but One Master and One Workman, with the Chairman, may constitute a Court for the Hearing and Adjudication of Cases, and make their Award.

Election to take place within Thirty Days of granting Licence.

V. Upon the granting of a Licence to form a Council of Conciliation and Arbitration, an Election shall take place within *Thirty* Days of such Grant, and the said Council shall remain in Office to the First *Monday in December* following.

Council to be elected for One Year.

VI. The Council shall be elected for *One Year*, and each annual Election shall take place on the First *Monday in December* in each Year.

Case of Vacancy, &c.

VII. In case of Vacancies caused by the Death or Removal of any Member of the Council, an Election shall take place within *Fourteen* Days, and another Member elected to fill up the said Vacancy from the Class to which he may belong, and he shall serve the Remainder of the Year.

Clerk of Peace and Deputy Returning Officer.

VIII. For the Purposes of this Act the Clerk of the Peace or his Deputy shall be the Returning Officer, who shall summon Meetings of Masters by Advertisement, for the Election of Arbitrators, and also Meetings of Workmen, in like Manner, for the Election of Arbitrators, and the Votes at such Meetings by Show of Hands shall be final and conclusive; the Candidates having the largest Number of Votes shall be declared to be duly elected; and a Return of the Candidates so elected shall be made to the Court of Quarter Sessions for the City, Borough, Town, County, or other Place wherein the Council may have Jurisdiction.

Master's Qualification to vote, and qualified to sit in Council.

IX. Every Person being an Inhabitant Householder employing Workmen within a Circuit of *Five* Miles from the Place where the Council holds its Meetings for the Transaction of Business shall be entitled to vote at the Election of Masters, and be qualified to be elected to the Office of Arbitrator under this Act.

Workman's Qualification.

X. Every Person being a Workman, and having resided within a Circuit of *Five* Miles for *Twelve* Months previous to the Day of Election, shall be entitled to vote at any Election of Workmen under this Act, and further, if a Householder, be duly qualified to be elected to the Office of Arbitrator under this Act.

Evidence as to being a Resident in case of Dispute.

XI. In case of Dispute on the Day of Election as to the Right of a Person to vote through Non-residency, the Production of a Note from his Landlord that he has been a Resident in the District for *Twelve* Months last past shall be deemed sufficient Evidence of his Right to the Vote, and the Returning Officer shall allow the same accordingly.

Council to appoint Chairman.

XII. The Council shall at their First Meeting nominate and appoint a Chairman, who shall preside at their Meetings; and in case of the Votes of the Council being equal, he shall have the Casting Vote; he shall also sign all Awards made by the Council and the Minutes of their Proceedings.

Penalties on Referees, &c. for refusing or neglecting to attend Cases of Dispute.

XIII. Any Person appointed to the Office of Arbitrator, and being summoned to hear, determine, and make an Award in any Case of Dispute, and who shall neglect to attend the said Case after being so summoned, shall pay a Fine of *One Pound*, unless Illness prevents such Attendance, which Illness must be certified by an authorized Medical Practitioner.

Election of Chairman.

XIV. If the Council cannot agree upon the Name of the Person who shall act as Chairman, it shall be decided by Lot: The Names of all proposed shall be placed in a Glass, and the Returning Officer shall

shall draw One out, and the Person's Name so drawn shall be the Chairman.

XV. The Court shall hold their Sittings in the Justices Court House or some other Public Room used for the conducting of Public Business. Place of Meeting.

XVI. The said Council shall appoint a Clerk, whose Duty it shall be to summon all Parties to the Court, and keep a Record of all their Proceedings. Appointment of Clerk.

XVII. Each Council elected under this Act shall at their First Sitting make out a List of Fees which shall be charged for any Proceeding and other Expenses under this Act, appoint such Officers as may be necessary, and make such Byelaws, Rules, and Regulations for their Guidance and for the Despatch of Business as they may deem necessary; such Byelaws, Rules, Regulations, and Fees to be sanctioned by the Secretary of State for the Home Department before being made legal and binding in Law. To make List of Fees, Byelaws, &c.

XVIII. All and every Enactment of the Acts before recited shall remain in full Force and Effect as though this Act was not enacted into a Law: This Act shall not be construed to extend to Domestic Servants or Servants in Husbandry. Act 5 G. 4. c. 96., &c. to remain in full Force.

XIX. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Councils of Conciliation Act, 1858." Citation of Act.

XX. This Act shall commence on the Day of One thousand eight hundred and . Commencement of Act.

SCHEDULE OF FORMS.

Forms of Summonses.

Form of Summons to be issued by Courts of Conciliation and Arbitration against a Person who hath Complaint made against him or her under the Acts 5th George the Fourth, c. 96., or the 8th and 9th Vict. c. 128., or this Act.

County of } To the of the Court of
or Borough of } Conciliation and Arbitration.

Whereas Complaint hath been made to me, *A.B.*, Chairman of the Court of Conciliation and Arbitration held at by *C.D.* of , and demanding a Reference and Arbitration under the Act [*here set forth the Title of this Act*], in a Matter of Dispute between the said *C.D.* and *E.F.* of [*here state the Cause of Dispute*]: These therefore are to require you forthwith to summon the said *E.F.* to appear before the Court of Conciliation and Arbitration at the at the Hour of in the noon of the Day of 18 , so that the said Dispute may be adjudicated upon and settled forthwith according to Law; and be you then there to certify what you have done in the Premises. Herein fail not. Given under my Hand, this Day of in the Year of our Lord .

(Signed) *A.B.*,
Chairman of the Court of Conciliation and Arbitration.

Form of Summons of a Witness to be issued by Chairman.

County of } To the of the Court of
or Borough of } Conciliation and Arbitration.

Whereas it appeareth to me *A.B.*, Chairman of the Court of Conciliation and Arbitration held at that *G.H.* of in the Borough of [*or County, as the Case may be*] is a material Witness to be examined concerning the Dispute between *C.D.* of and *E.F.* of under the Act [*here set forth the Title of the Act*]: These therefore are to require you forthwith to summon the said *G.H.* to appear before the Court of Conciliation and Arbitration at the at the Hour of in the noon of the Day of 18 , so that the said Dispute may be adjudicated upon and settled forthwith

with according to Law; and be you then there to certify what you have done in the Premises. Herein fail not. Given under my Hand, this Day of in the Year of our Lord .

(Signed) *A.B.*,
Chairman of the Court of Conciliation and Arbitration.

Form of Award.

We, *J.K.* and *L.M.* [*name and describe the Arbitrators*], the Arbitrators in the Matters in dispute between [*here state the Names of Plaintiff and Defendant to the Reference*], do hereby adjudge and determine that [*here set forth the Determination, to which the Chairman and Arbitrators shall subscribe their Names*].

Signed this Day of 18 .

Form of Endorsement extending the Time limited for making the Award.

We, , Members of the Court of Conciliation and Arbitration, do hereby agree to extend the Time of hearing or making an Award, as the Case may be, in the Matter in dispute between of and of to the Day of .

Witness our Hands, this Day of 18 .

Form of Acknowledgment of Fulfilment of the Award.

I, , Chairman of the Council of Conciliation and Arbitration, do hereby acknowledge that the Award in the Matter of dispute between of and of hath been duly fulfilled by who is hereby discharged of the same.

Witness my Hand, this Day of .

A.B. Chairman.

Form of Oath to be administered by the Arbitrators to the Parties and Witnesses under this Act.

THE Evidence that you shall give before this Council of Conciliation and Arbitration between and under and by virtue of this Act [*here state the Title of this Act*], shall be the Truth, the whole Truth, and nothing but the Truth.

So help you GOD.

Form of Commitment of a Person summoned as a Witness before the Arbitrators.

WHEREAS Proof on Oath hath been made before me, One of Her Majesty's Justices of the Peace for the County [*or* Riding, Stewartry, Division, City, Burgh, Liberty, Town, *or* Place] of on this Day of that *A.B.* hath been duly summoned, and hath neglected to appear and give Evidence before the Council of Conciliation and Arbitration in the Matters in dispute between *C.D.* and *E.F.* at in the County [*or* Riding, Stewartry, Division, City, Burgh, Liberty, Town, *or* Place] of on the Day of under and by virtue of an Act made in the Twenty-first Year of the Reign of Her present Majesty, intituled "An Act" [*here set forth the Title of this Act*]; and the said *A.B.* being required to appear and give Evidence before the said Arbitrators, and still refusing so to do: Therefore I, the said Justice, do hereby, in pursuance of the said Act, commit the said *A.B.* to the [*describing the Prison and the House of Correction*], there to remain, without Bail or Mainprise, for his [*or* her] Offence aforesaid, until he [*or* she] shall submit himself [*or* herself] to be examined, and give his [*or* her] Evidence before the said Arbitrators, touching the Matters referred to them, or shall otherwise be discharged by due Course of Law: And you the [Constable *or other Peace Officer or Officers to whom the Warrant is directed*] are hereby authorized and required to take into your Custody the Body of the said *A.B.*, and him [*or* her] safely convey to the said Prison [*or* House of Correction], and him [*or* her] there to deliver to the Gaoler [*or* Keeper] thereof, who is hereby authorized and required to receive into his Custody the Body of the said *A.B.*, and him [*or* her] safely to detain and keep, pursuant to this Commitment. Given under my Hand, this Day of in the Year of our Lord .

(This Commitment to be directed to the proper Peace Officer and the Gaoler [*or* Keeper] of the Prison [*or* House of Correction].)

Form

Form of Warrant of Distress.

To the Constable of .

WHEREAS of under an Award made by on the Day of in the Year of our Lord pursuant to an Act passed in the Twenty-first Year of the Reign of Her present Majesty, intituled "An Act" [*state the Title of this Act*], is liable to pay to of the Sum of and also the Sum of ; and the said having refused or neglected to pay the same for the Space of Two Days and upwards subsequent to the making of such Award: These are therefore to command you to levy the said Sum of by Distress and Sale of the Goods and Chattels of the said ; and I do hereby order and direct the Goods and Chattels so to be distrained to be sold and disposed of within Days, unless the said Sum of for which such Distress shall be made, together with the reasonable Charges of taking and keeping such Distress, shall be sooner paid; and you are also hereby commanded to certify to me what you shall do by virtue of this my Warrant.

Given under my Hand and Seal, at the Day of .

Form of the Constable's Return to the Warrant of Distress.

I Constable of do hereby certify to Justice of the Peace of that I have made diligent Search for but do not know of nor can find any Goods and Chattels of by Distress and Sale whereof I may levy the Sum of pursuant to his Warrant for that Purpose.

Dated the Day of in the Year of our Lord .

Given under my Hand, this Day of in the Year of our Lord .

Form of Commitment thereupon to the House of Correction.

[*Here name the County.*] To the Constable of and also to the Keeper of the House of Correction at .

WHEREAS of under an Award made by on the Day of in the Year of our Lord pursuant to an Act passed in the Twenty-first Year of the Reign of Her present Majesty,

intituled " An Act" [*state the Title of this Act*], became liable to pay to the Sum of and also the Sum of for Costs, Time, and Expenses, making together the Sum of , and having refused or neglected to pay the same for the Space of Two Days and upwards subsequent to the making of such Award, my Warrant was, according to the Provisions of the said Act, duly made and issued for the levying the said Sum of by Distress and Sale of the Goods and Chattels of the said : And whereas it appears by the Return of Constable of dated the Day of that he hath made diligent Search for but doth not know of nor can find any Goods and Chattels of the said by Distress and Sale whereof the said Sum of may be levied, pursuant to my said Warrant: These are therefore to command you, the said Constable of to apprehend the said and convey him to the said House of Correction at aforesaid, and deliver him there to the Keeper of the said House of Correction; and these are also to command you the Keeper of the said House of Correction to receive him the said into the said House of Correction, and there keep him, without Bail or Mainprise, for the Space of Months, unless the said Sum of so ordered to be paid as aforesaid shall be sooner satisfied, with all reasonable Expenses.

Given under my Hand and Seal, at the Day of .

Form of Commitment where the Warrant of Distress is withheld.

[*Here name the County.*] To the Constable of and also to the Keeper of the House of Correction at .

Whereas of under an Award made by on the Day of in the Year of our Lord pursuant to an Act passed in the Twenty-first of the Reign of Her present Majesty, intituled " An Act" [*state the Title of this Act*], became liable to pay to the Sum of and also the Sum of for Costs, Time, and Expenses, making together the Sum of which he has refused or neglected to pay for the Space of Two Days and upwards subsequent to the making of such Award: And whereas it appears to me that the Recovery of such Sum and Warrant of Distress and Sale of the Goods and Chattels of the said will be attended with Consequences ruinous or

or in an especial Manner injurious to the Defaulter [and his Family, *if any*], and I have therefore determined to withhold such Warrant, and to commit the said to Prison, pursuant to the said Act: These are therefore to command you the said Constable of to apprehend the said and convey him to the said House of Correction at aforesaid, and to deliver him there to the Keeper of the said House of Correction; and these are also to command you the Keeper of the said House of Correction to receive him the said into the said House of Correction, and there keep him, without Bail or Mainprise, for the Space of Months, unless the said Sum of so ordered to be paid as aforesaid shall be sooner satisfied, with all reasonable Expenses.

Given under my Hand and Seal, at the Day of .

Masters and Workmen.

A

B I L L

To enable Masters and Workmen to form Councils of Conciliation and of Arbitration.

(*Prepared and brought in by Mr. Mackinnon and Mr. R. Ingham.*)

Ordered, by The House of Commons, *to be Printed*, 28 *April* 1858.

[Bill 68.]

Under 2 oz.

Medical Charities (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Lands, &c. heretofore vested in the Commissioners to be vested in Boards of Guardians; Sect. 1.

Guardians may admit any poor Person requiring Medical or Surgical Aid in Hospital; 2.

Poor Persons of sufficient Ability to pay the Cost of their Maintenance in Hospital, or Part thereof, to be required to pay the same; 3.

Admission of Constabulary Patients; 4.

Poor Persons claiming to pay Cost of their Maintenance not to be disfranchised; 5.

Guardians may send Inmates of Workhouse to Hospital; 6.

Relief to orphan and deserted Children; 7.

Rating unoccupied Buildings; 8.

Immediate Lessors at the Time of making the Rate ceasing to be immediate Lessors to pay a Portion of the Rate only; 9.

County Cess Collectors not to be entitled to collect Poor Rates in preference to other Persons; 10.

Non-occupying Ratepayers to give full Description of the Property in respect of which they claim to vote, and of their Interest therein; 11.

Limitation of Property and Proxy Claims; 12.

Owners or immediate Lessors rated under 6 & 7 Vict. c. 92. ss. 1. and 4. and 12 & 13 Vict. c. 91. s. 63. may vote as if the Occupiers were rated; 13.

Poor Law Inspectors authorized to act under Medical Charities Act; 14.

Persons obtaining Tickets for Medical Relief under 14 & 15 Vict. c. 68. found to be able to pay Cost or Part thereof required to pay the same; 15.

Provision for Dispensary Arrangement on Dissolution of the Board of Guardians; 16.

A

B I L L

TO

Amend the Laws in force for the Relief of the Destitute Poor in Ireland, and to amend an Act of the Fourteenth and Fifteenth Years of Her Majesty providing for the better Distribution, Support, and Management of Medical Charities in Ireland.

WHEREAS it is expedient to amend the Laws in force for the Relief of the Destitute Poor in Ireland, and to amend an Act passed in the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Sixty-eight, providing for the better Distribution, Support, and Management of Medical Charities in Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 14 & 15 Vict. c. 68.

I. So much of the said Acts providing for the Execution of the Laws for the Relief of the Poor in Ireland as vests in the said Commissioners and their Successors all Lands and Buildings purchased or hired and conveyed to and taken by the said Commissioners under the Provisions of the said Acts shall be and the same is hereby repealed, and Lands, &c. heretofore vested in the Commissioners to be vested in Boards of Guardians.

and henceforth all Lands, Tenements, and Hereditaments, and Real and Personal Property, heretofore vested in the Commissioners for Purposes connected with the Administration of Relief in any Union, shall vest in the Guardians of the Poor of the said Union without any Conveyance or Transfer thereof other than by the Operation of this Act, and the said Guardians shall for this Purpose, as well as for other Purposes set forth in the said Acts, be deemed a Body Corporate, and shall have perpetual Succession and a common Seal: Provided, that all Proceedings commenced and all Contracts and Engagements entered into in the Name of the said Commissioners in relation to the Property of any Union shall be continued and carried on in the Name of the Guardians of the said Union as if such Proceedings had been commenced or such Contracts and Engagements had been entered into in the Name of the said Guardians; provided also, that the said Guardians shall hold the said Property subject in all respects to the Orders of the said Commissioners, and shall not alter or remove any Part of the said Buildings, nor sell, let, alienate, or in any way demise any Part of the said Property without the Consent of the said Commissioners under their Seal first had and obtained.

Guardians may admit any poor Person requiring Medical or Surgical Aid in Hospital.

II. And whereas the Guardians of the Poor of Unions in Ireland are empowered to admit into any Building provided by them for a Fever Hospital, or into any Part of the Workhouse appropriated by them, with the Consent of the Commissioners for that Purpose, poor Persons affected with Fever or other dangerous contagious Disease, and it is expedient to extend such Power: Be it enacted, That it shall be lawful for such Guardians to admit into the Infirmary of the Workhouse any poor Persons requiring Medical or Surgical Aid in Hospital, and to provide for their Treatment and Maintenance therein, charging the Expense thereof on the Electoral Division or Union at large, as the Case may be, according to such Person's Chargeability by Residence under the Laws which are or shall be in force for the Relief of the Destitute Poor in Ireland.

Poor Persons of sufficient Ability to pay the Cost of their Maintenance in Hospital or Part thereof to be required to pay the same.

III. Every poor Person who shall be so admitted into the Infirmary of the Workhouse, in pursuance of the Authority in that Behalf which is herein-before given, and every poor Person who shall hereafter be admitted into any Building provided by the Guardians of any Union for a Fever Hospital, or into any Part of the Workhouse appropriated as a Fever Hospital, who shall nevertheless be considered by the Guardians to be of sufficient Ability to pay the Cost of his or her Maintenance while in Hospital, or some Portion of such Cost, shall be required to repay such Proportion thereof as the Guardians

shall

shall determine, provided that such Proportion shall in no Case exceed the Average of the general Cost of Maintenance in such Hospital or Infirmary; and all such Sums shall be recoverable from such poor Persons, or from those liable by Law to maintain them, by the same Ways and Means as the Cost of Relief given by way of Loan is recoverable under the Acts in force for the Relief of the Destitute Poor in Ireland, and all such Sums or any Part thereof which shall be recovered shall be lodged with the Treasurer of the Union to the Credit of the Electoral Division chargeable for the Maintenance of such poor Person or to the Credit of the Union as the Case may be; provided also, that for the Purpose of the Recovery of the Cost of Maintenance as aforesaid every Master or Mistress shall be deemed liable to maintain his or her Servant so long as the Service shall continue.

Admission of Constabulary Patients.

IV. On the Requisition of any Inspector or Sub-Inspector of Constabulary, or Head Constable in charge of a Station, it shall be lawful for the Board of Guardians to admit into the Workhouse, Infirmary, or Fever Hospital any Constable or Sub-Constable of the said Force on Service within the Union who shall be suffering from Fever or other Disease, or Bodily Injury requiring Treatment in Hospital, and every such Constable or Sub-Constable shall contribute the full average Cost of daily Maintenance in such Hospital for the whole Term of his Continuance therein, and the Amount of such Cost may be recovered by the Guardians of the Union by the same Ways and Means as the Cost of Relief given by way of Loan is recoverable under the Acts in force for the Relief of the Destitute Poor in Ireland.

Poor Persons claiming to pay Cost of their Maintenance not to be disfranchised.

V. Every poor Person admitted into a Workhouse, Fever Hospital, or Infirmary who shall on Admission claim to repay the entire Cost of his or her Maintenance therein, according to the full average Cost thereof as herein-before stated, and every poor Person admitted into such Workhouse, Fever Hospital, or Infirmary on whose Behalf the Person liable by Law to maintain such poor Person shall claim to repay the entire Cost of such Maintenance therein as aforesaid, and every Constable or Sub-Constable so admitted shall be entered in a separate Register from that in which the other Persons admitted into the Workhouse are registered, and the Person so relieved and the Person so claiming shall not, after Payment of the said Charges of Maintenance, be subject to any Disfranchisement or Disability as Persons having received Relief from the Poor Rates.

Guardians may send Inmates of

VI. It shall be lawful for the Guardians of any Union to send any Inmate or Inmates of the Workhouse of such Union requiring Medical

Workhouse to Hospital.

or Surgical Treatment to any Hospital the Governor or Governors of which shall be willing and able to receive such Inmate or Inmates, and to pay to the Governor or Governors of such Hospital out of the Rates of the Union the Cost of the Maintenance and Treatment in such Hospital of the Persons so sent as aforesaid, and the Guardians may also pay out of the Rates of the Union the Cost of the Conveyance of such Persons from the Workhouse of the Union to such Hospital, and also the Cost of the Conveyance of such Persons, when discharged from such Hospital, to the said Workhouse, and the entire Cost of such Maintenance, Treatment, and Conveyance as aforesaid shall be charged on the Electoral Division or Union at large, as the Case may be, according to such Person's Chargeability under the Laws in force at the Time for the Administration of Relief to the Destitute Poor in Ireland.

Relief to Orphans and deserted Children.

VII. And whereas it has been found that the Mortality among Infant Children admitted into Workhouses without their Mothers is very large, and that in other respects the Workhouses are not well suited in all Cases for the Care and Nurture of such Children during Infancy, and it is therefore expedient to extend the Powers of Boards of Guardians for the Relief of destitute poor Children who are Orphans, or who have been deserted by their Parents: Be it enacted, That it shall be lawful for the Board of Guardians to provide for the Relief of any Orphan or deserted Child out of the Workhouse, if they shall think fit to do so, by placing such Child out at Nurse, or otherwise, according to their Discretion; provided, that no Child shall continue to be so relieved after the Age of *Five* Years.

Rating unoccupied Buildings.

VIII. And whereas Doubts have existed as to the Liability of unoccupied Buildings to be rated in the Rates for the Relief of the Poor, and it is expedient to remove such Doubts: Be it enacted, That from and after the *passing of this Act* the Guardians shall in making every Rate for the Relief of the Destitute Poor specify on the Face thereof the Period for the Service of which the Rate is estimated to provide, and that when any Building liable to Assessment under the Provisions of the Acts for the Relief of the Destitute Poor in Ireland is unoccupied at the Time of making any such Rate on the Electoral Division in which such Buildings shall be situate, the Board of Guardians shall in every such Case include such Building in the said Rate, describing it in the Column appropriated to the Name of the Occupier or immediate Lessor, as the Case may be, as "empty," and if any Person shall afterwards occupy such Building during any Part of the Period for which such Rate was made, the Board of Guardians shall insert in such Rate the Name of such Occupier or his immediate Lessor, as the Case may be, and shall, by Minute of their

their Board, authorize the Collector to collect from such Occupier, or from the immediate Lessor if he be liable to pay the same, a Portion of the said Rate proportioned to the Time during which such Person occupies such Property, and every such Person shall thereupon be deemed to all Intents and Purposes to be properly rated; and all such Proportions of Rates may be collected and recovered from the Person liable to pay the same under the Provisions of the Acts for the Relief of the Destitute Poor in Ireland: Provided always, that any Person whose Name is so inserted in such Rate may appeal against such Rate in the same Manner as he might have appealed if originally rated in the said Rate: Provided also, that, except as aforesaid, no Rate shall be payable by any Person in respect of any unoccupied Building.

Immediate Lessors at the Time of making the Rate ceasing to be immediate Lessors to pay a Portion of the Rate only.

IX. When any Rate has been made as aforesaid for a particular Period, and the immediate Lessor or Occupier who is rated to such Rate ceases to be the immediate Lessor or Occupier of the Property in respect whereof he is rated before the End of such Period, such immediate Lessor or Occupier shall be liable to pay a Portion only of the Rate payable for the whole of such Period proportionate to the Time during which he continued to be immediate Lessor or Occupier; and in every Case if any Person after the making of such Rate become the immediate Lessor or Occupier of any Property so rated as aforesaid during Part of the Period for which such Rate was made, such Person shall pay a Portion of such Rate proportioned to the Time during which he held or occupied the Property so rated, and the same shall be recovered from him in the same Manner as if he had been originally rated for such Property.

1 & 2 Vict. c. 56. s. 73. County Cess Collectors not to be entitled to collect Poor Rates in preference to other Persons.

X. From and after the *passing of this Act* so much of the Act passed in the First and Second Years of Her Majesty, intituled "An "Act for the more effectual Relief of the Destitute Poor in Ireland," as provides that every Rate made on each Electoral Division shall and may, if any Collector for the Time authorized to collect the County Cess in any Part of such Electoral Division shall be approved of by the Commissioners, and shall give Security to the Satisfaction of the Commissioners, and shall accept such Salary or Allowance as shall be approved by the Commissioners for his Trouble in that Behalf, be levied by such Collector, who shall, so far as relates to the Collection of such Rate, be deemed a paid Officer of the Union within which such Electoral Division shall be situate, shall be and the same is hereby repealed; and from and after the *passing of this Act* it shall and may be lawful for the Guardians of any Union, subject to the Approval of the Commissioners, to appoint from Time to

Time such and so many Persons as they may deem expedient to collect and levy the Rates so made on the several Electoral Divisions.

Non-occupying Ratepayers to give full Description of the Property in respect of which they claim to vote, and of their Interest therein.

XI. No Ratepayer shall be entitled to vote, either in Person or by Proxy, in respect of any Property not in his actual Occupation, or to give any Vote in addition to the Vote or Votes to which he would be entitled as an Occupier paying Rent equal to the net annual Value of the Property in his actual Occupation unless he or his Proxy shall, *One Month* at the least previous to the Day on which he shall claim to vote, have given to the Guardians, or to some Person acting as Returning Officer, a Statement in Writing of the Name and Address of such Ratepayer and the Description and local Situation of the Property in respect of which he claims to vote, specifying in Cities, Towns, and their Suburbs having Streets and other Roadways the Name of the Street or Roadway and the Number of the House or Tenement, if any, and the Parish in which the Property is situate, and in other Places the Barony, Parish, and Townland, so that the Property may be ascertained and identified with reasonable Certainty, together with the Nature of the Interest of the Ratepayer therein, and its net annual Value over and above all Rents payable by him and the Amount of Rent payable to him, and the Names of the Tenants or Occupiers by whom Poor Rates have been deducted from such Rent, and no such Proxy shall be entitled to claim to vote unless such Proxy shall have given to the Guardians or some Person acting as Returning Officer, *One Month* at the least previous to the Day on which he shall claim to vote, the original or an attested Copy of the Writing appointing such Proxy.

Limitation of Property and Proxy Claims.

XII. No Claim of a Ratepayer to vote in the Election of Guardians, either in Person or by Proxy, in respect of any Property not in his actual Occupation, or to give a Vote or Votes in addition to the Vote or Votes to which he would be entitled as an Occupier paying Rent equal to the net annual Value of the Property in his Occupation, shall continue in force beyond the Period of *Five* Years from the Date on which he or his Proxy shall have given such Statement as aforesaid: Provided, that every Appointment of a Proxy may be revoked at any Time; provided also, that no Person shall be entitled to vote as Proxy for more than *Four* Owners of Property in any One Electoral Division or Ward unless he be a Steward, Bailiff, Land Agent, or Collector of Rents for the Owners of Property for whom he may be appointed to vote.

Owners or Immediate Lessors rated under

XIII. And whereas Doubts have been entertained whether Owners or immediate Lessors of Property who are rated under the Provisions of the Act of the Sixth and Seventh Years of Her Majesty, Chapter Ninety-two,

Ninety-two, Sections One and Four, and of the Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter Ninety-one, Section Sixty-three, are entitled to vote as Ratepayers in respect of Property for which they are so rated: Be it enacted, That it shall be lawful for Owners or immediate Lessors who are so rated as aforesaid to vote in respect of the Property in respect of which they are so rated in the same Manner as they would be entitled to do if the Occupiers were rated: Provided, that every such Owner or immediate Lessor or his Proxy shall have lodged a Statement in the Manner herein-before provided with reference to Persons claiming to vote in respect of Property not in their actual Occupation; provided also, that no such Owner or immediate Lessor shall be entitled to a greater Number of Votes in respect of the Property for which he is rated under the Provisions aforesaid than he would be entitled to as an Occupier paying Rent equal to the Valuation of the same Property.

6 & 7 Vict. c. 92. ss. 1. and 4., and 12 & 13 Vict. c. 91. s. 63. may vote as if the Occupiers were rated.

XIV. And whereas by an Act passed in the Tenth and Eleventh Years of the Reign of Her Majesty, Chapter Ninety, the said Commissioners are empowered from Time to Time, subject to the Approval of the Lord Lieutenant, to appoint so many fit Persons as shall be allowed by the Commissioners of Her Majesty's Treasury to be Inspectors to assist in the Execution of the Acts for the Relief of the Poor in Ireland, and by another Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty, Chapter Sixty-eight, the said Commissioners are empowered from Time to Time to appoint so many fit Persons as the Commissioners of Her Majesty's Treasury shall sanction, having the Qualification therein described, to be Inspectors to assist in carrying out the Provisions of the said last-mentioned Act: Be it enacted, That every Inspector appointed or hereafter to be appointed under the Provisions of the said Act of the Tenth and Eleventh Years of Her Majesty, to assist in the Execution of the Acts for the Relief of the Poor in Ireland, shall be deemed to be an Inspector under the Provisions of the said Act of the Fourteenth and Fifteenth Years of Her Majesty, and shall be empowered to assist in carrying out the Provisions of the said last-mentioned Act as fully and effectually as if he had been appointed under such Act, notwithstanding that he may not possess the Medical Qualification required by such Act.

Poor Law Inspectors authorized to act under Medical Charities Act, 10 & 11 Vict. c. 90. 14 & 15 Vict c. 68.

XV. And whereas under the Provisions of the Ninth Section of the said last-mentioned Act every Member of any Dispensary Committee, and every Relieving Officer and Warden acting for an Electoral Division included in a Dispensary District, is authorized to afford Medical Relief by the Issue of a Ticket for Medicine and Advice, or a Ticket in such Form as the Commissioners for administering the Laws for Relief of the Poor in Ireland shall prescribe, addressed to the Medical Officer of the District, directing him

Persons obtaining Tickets for Medical Relief under 14 & 15 Vict. c. 68. found to be able to pay Cost or Part thereof required to pay the same.

him to afford Medicine and Advice, or to attend on any poor Person resident therein, and such Medical Officer is required by the said Act to afford such Medicine or Advice, or to attend such Person, until the Ticket be cancelled at a subsequent Meeting of the Dispensary Committee; and it is expedient to amend the same: Be it enacted, That on the cancelling of any such Ticket by the Committee as aforesaid, and in case it shall appear to the Dispensary Committee that the Person who has obtained such Ticket is of sufficient Ability to pay the Cost of such Medical Relief or some Portion of such Cost, such Person shall be liable to repay such Cost, or such Proportion thereof as such Dispensary Committee shall determine, and such Sum shall be recoverable from such Person by the Board of Guardians of the Union by the same Ways and Means as the Cost of Relief given by way of Loan is recoverable under the Acts in force for the Relief of the Destitute Poor in Ireland, and all such Sums or any Part thereof which shall be so recovered shall be lodged with the Treasurer of the Union within which such Dispensary District is situate, and be placed to the Credit of the Electoral Divisions comprised in such Dispensary District: Provided always, that the said Dispensary Committee may determine that such Portion of any Sum so recovered shall be paid to the Medical Officer of the District as to such Committee shall seem just, and the Guardians of the Union shall direct such Sum to be paid accordingly, and debited to the Electoral Divisions comprising the Dispensary District.

Provision for Dispensary Arrangement on Dissolution of the Board of Guardians. 10 Vict. c. 31.

XVI. And whereas by an Act passed in the Tenth Year of the Reign of Her Majesty, Chapter Thirty-one, the said Commissioners are empowered in case regular Meetings of the Board of Guardians shall not be holden, or in case through the Default of the Guardians the Duties of the Board of Guardians shall not be effectually discharged, to dissolve the said Board of Guardians, and to appoint such and so many paid Officers as they may think fit to carry into execution the Provisions of the Acts for the Relief of the Destitute Poor in Ireland: And whereas by the said recited Act of the Fourteenth and Fifteenth Years of Her Majesty Provision is made for the Appointment of Committees of Management for the several Dispensary Districts in each Union, such Committees to consist of a sufficient Number of Ratepayers, to be elected by the Board of Guardians, who are resident in each District, and liable to pay Poor Rates in respect of Property therein of the net annual Value of Thirty Pounds at the least, together with the ex-officio and elected Guardians of the Poor resident or being the Owners or Occupiers of Property therein: Be it enacted, That in the event of any Board of Guardians being dissolved, and paid Officers appointed to carry into effect the Provisions of the Acts for the Relief of the Destitute Poor in Ireland in such Union, such paid Officers shall have all the Powers which the Board of Guardians

Guardians had or could have exercised under the Provisions of the said recited Act of the Fourteenth and Fifteenth Years of Her Majesty, and every Committee of Management of a Dispensary District in such Union at the Time of such Dissolution of the Board of Guardians shall continue to act as such, until a Board of Guardians shall be again elected, and at the First Meeting of the Guardians after a new Board of Guardians shall have been so elected as aforesaid, or as soon thereafter as conveniently may be, a new Committee of Management for each Dispensary District in the said Union shall be appointed in the Manner provided by the said Act, and in the meantime and until such new Election the ex-officio and elected Members of the Board so dissolved shall continue to be Members of such Committee, notwithstanding such Dissolution of the Board of Guardians as aforesaid.

Medical Charities (Ireland).

A

BILL

To amend the Laws in force for the Relief of the Destitute Poor in Ireland, and to amend an Act of the Fourteenth and Fifteenth Years of Her Majesty providing for the better Distribution, Support, and Management of Medical Charities in Ireland.

(*Prepared and brought in by Mr. Henry Herbert and Mr. Attorney General for Ireland.*)

Ordered, by The House of Commons, *to be Printed*, 7 *December* 1857.

[Bill 2.]

Under 2 oz.

Medical Charities (Ireland) Act Amendment Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Lands, &c. heretofore vested in the Commissioners to be vested in Boards of Guardians; Sect. 1.

Guardians may admit any poor Person requiring Medical or Surgical Aid in Hospital; 2.

Poor Persons of sufficient Ability to pay the Cost of their Maintenance in Hospital, or Part thereof, to be required to pay the same; 3.

Admission of Constabulary Patients; 4.

Poor Persons claiming to pay Cost of their Maintenance not to be disfranchised; 5.

Guardians may send Inmates of Workhouse to Hospital; 6.

Relief to orphan and deserted Children; 7.

Rating unoccupied Buildings; 8.

County Cess Collectors not to be entitled to collect Poor Rates in preference to other Persons; 9.

Non-occupying Ratepayers to give full Description of the Property in respect of which they claim to vote, and of their Interest therein; 10.

Limitation of Property and Proxy Claims; 11.

Owners or immediate Lessors rated under 6 & 7 Vict. c. 92. ss. 1. and 4. and 12 & 13 Vict. c. 91. s. 63. may vote as if the Occupiers were rated; 12.

No Person to vote for a greater Amount of Rent than the rateable Value of the Property; 13.

Poor Law Inspectors authorized to act under Medical Charities Act; 14.

Persons obtaining Tickets for Medical Relief under 14 & 15 Vict. c. 68. found to be able to pay Cost or Part thereof required to pay the same; 15.

Provision for Dispensary Arrangement on Dissolution of the Board of Guardians; 16.

Persons becoming qualified as ex officio Members of Dispensary Committee after the Number is completed may act; 17.

Ratepayers liable to Poor Rate on a net annual Value equal to the Qualification for Guardian may be elected Members of Committee; 18.

Paid Officers and others incapable of serving as Guardian; 19.

Salary of Dispensary Medical Officer not to be altered until One Year after the Approval of the Commissioners; 20.

As to Appointment of Medical Officer on Alteration of Dispensary District; 21.

A

BILL

TO

Amend the Laws in force for the Relief of the Destitute Poor in Ireland, and to amend an Act of the Fourteenth and Fifteenth Years of Her Majesty providing for the better Distribution, Support, and Management of Medical Charities in Ireland.

WHEREAS it is expedient to amend the Laws in force for the Relief of the Destitute Poor in Ireland, and to amend an Act passed in the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Sixty-eight, providing for the better Distribution, Support, and Management of Medical Charities in Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 14 & 15 Vict. c. 68.

I. So much of the said Acts providing for the Execution of the Laws for the Relief of the Poor in Ireland as vests in the Commissioners and their Successors all Lands and Buildings purchased or hired and conveyed to and taken by the Commissioners under the Provisions of the said Acts shall be and the same is hereby repealed, and Lands, &c. heretofore vested in the Commissioners to be vested in Boards of Guardians.

and henceforth all Lands, Tenements, and Hereditaments, and Real and Personal Property, heretofore vested in the Commissioners for Purposes connected with the Administration of Relief in any Union, shall vest in the Guardians of the Poor of the said Union without any Conveyance or Transfer thereof other than by the Operation of this Act, and the said Guardians shall for this Purpose, as well as for other Purposes set forth in the said Acts, be deemed a Body Corporate, and shall have perpetual Succession and a Common Seal; and all Contracts and Engagements entered into in the Name of the said Commissioners in relation to Land and Buildings occupied as Workhouses in any Union shall have the same Force and Effect as if the same had been entered into in the Name of the Guardians of the said Union: Provided, that all Suits commenced in the Name of the Commissioners at the Time of the passing of this Act may be continued and carried on in their Name as if this Act had not been passed; provided also, that the said Guardians shall not alter or remove any Part of the said Buildings, nor sell, let, alienate, or in any way demise any Part of the said Property without Consent of the said Commissioners under their Seal first had and obtained.

Guardians may admit any poor Person requiring Medical or Surgical Aid in Hospital.

II. And whereas the Guardians of the Poor of Unions in Ireland are empowered to admit into any Building provided by them for a Fever Hospital, or into any Part of the Workhouse appropriated by them, with the Consent of the Commissioners for that Purpose, poor Persons affected with Fever or other dangerous contagious Disease, and it is expedient to extend such Power: Be it enacted, That it shall be lawful for such Guardians to admit into the Infirmary of the Workhouse any poor Persons requiring Medical or Surgical Aid in Hospital, and to provide for their Treatment and Maintenance therein, charging the Expense thereof on the Electoral Division or Union at large, as the Case may be, according to such Person's Chargeability by Residence under the Laws which are or shall be in force for the Relief of the Destitute Poor in Ireland.

Poor Persons of sufficient Ability to pay the Cost of their Maintenance in Hospital or Part thereof to be required to pay the same.

III. Every poor Person who shall be so admitted into the Infirmary of the Workhouse, in pursuance of the Authority in that Behalf which is herein-before given, and every poor Person who shall hereafter be admitted into any Building provided by the Guardians of any Union for a Fever Hospital, or into any Part of the Workhouse appropriated as a Fever Hospital, who shall nevertheless be considered by the Guardians to be of sufficient Ability to pay the Cost of his or her Maintenance while in Hospital, or some Portion of such Cost, shall be required to repay such Proportion thereof as the Guardians shall

shall determine, provided that such Proportion shall in no Case exceed the Average of the general Cost of Maintenance in such Hospital or Infirmary; and all such Sums shall be recoverable from such poor Persons, or from those liable by Law to maintain them, by the same Ways and Means as the Cost of Relief given by way of Loan is recoverable under the Acts in force for the Relief of the Destitute Poor in Ireland, and all such Sums or any Part thereof which shall be recovered shall be lodged with the Treasurer of the Union to the Credit of the Electoral Division chargeable for the Maintenance of such poor Person or to the Credit of the Union as the Case may be; provided also, that for the Purpose of the Recovery of the Cost of Maintenance as aforesaid every Master or Mistress shall be deemed liable to maintain his or her Servant so long as the Service shall continue.

Admission of Constabulary Patients.

IV. On the Requisition of any Inspector or Sub-Inspector of Constabulary, or Head Constable in charge of a Station, it shall be lawful for the Board of Guardians to admit into the Workhouse, Infirmary, or Fever Hospital any Constable or Sub-Constable of the said Force on Service within the Union who shall be suffering from Fever or other Disease, or Bodily Injury requiring Treatment in Hospital, and every such Constable or Sub-Constable shall contribute the full average Cost of daily Maintenance in such Hospital for the whole Term of his Continuance therein, and the Amount of such Cost may be recovered by the Guardians of the Union by the same Ways and Means as the Cost of Relief given by way of Loan is recoverable under the Acts in force for the Relief of the Destitute Poor in Ireland.

Poor Persons claiming to pay Cost of their Maintenance not to be disfranchised.

V. Every poor Person admitted into the Fever Hospital or Infirmary of a Workhouse who shall on Admission claim to repay the entire Cost of his or her Maintenance therein, according to the full average Cost thereof as herein-before stated, and every poor Person admitted into such Fever Hospital or Infirmary on whose Behalf the Person liable by Law to maintain such poor Person shall claim to repay the entire Cost of such Maintenance therein as aforesaid, and every Constable or Sub-Constable so admitted shall be entered in a separate Register from that in which the other Persons admitted into the Workhouse are registered, and the Person so relieved and the Person so claiming shall not, after Payment of the said Charges of Maintenance, be subject to any Disfranchisement or Disability as Persons having received Relief from the Poor Rates.

Guardians may send Inmates of

VI. It shall be lawful for the Guardians of any Union to send any Inmate or Inmates of the Workhouse of such Union requiring Medical

Workhouse to Hospital.

or Surgical Treatment to any Hospital the Governor or Governors of which shall be willing and able to receive such Inmate or Inmates, and to pay to the Governor or Governors of such Hospital out of the Rates of the Union the Cost of the Maintenance and Treatment in such Hospital of the Persons so sent as aforesaid, and the Guardians may also pay out of the Rates of the Union the Cost of the Conveyance of such Persons from the Workhouse of the Union to such Hospital, and also the Cost of the Conveyance of such Persons, when discharged from such Hospital, to the said Workhouse, and the entire Cost of such Maintenance, Treatment, and Conveyance as aforesaid shall be charged on the Electoral Division or Union at large, as the Case may be, according to such Person's Chargeability under the Laws in force at the Time for the Administration of Relief to the Destitute Poor in Ireland.

Relief to Orphans and deserted Children.

VII. And whereas it has been found that the Mortality among Infant Children admitted into Workhouses without their Mothers is very large, and that in other respects the Workhouses are not well suited in all Cases for the Care and Nurture of such Children during Infancy, and it is therefore expedient to extend the Powers of Boards of Guardians for the Relief of destitute poor Children who are Orphans, or who have been deserted by their Parents: Be it enacted, That it shall be lawful for the Board of Guardians to provide for the Relief of any Orphan or deserted Child out of the Workhouse, if they shall think fit to do so, by placing such Child out at Nurse, or otherwise, according to their Discretion; provided, that no Child shall continue to be so relieved after the Age of *Five* Years.

Rating unoccupied Buildings.

VIII. And whereas Doubts have existed as to the Liability of unoccupied Buildings to be rated in the Rates for the Relief of the Poor, and it is expedient to remove such Doubts: Be it enacted, That from and after the *passing of this Act* the Guardians shall in making every Rate for the Relief of the Destitute Poor specify on the Face thereof the Period for the Service of which the Rate is estimated to provide, and that when any Building liable to Assessment under the Provisions of the Acts for the Relief of the Destitute Poor in Ireland is unoccupied at the Time of making any such Rate on the Electoral Division in which such Building shall be situate, the Board of Guardians shall in every such Case include such Building in the said Rate, describing it in the Column appropriated to the Name of the Occupier or immediate Lessor, as the Case may be, as "Empty," and such Building shall be deemed to be rated to the Relief of the Poor as fully and effectually as if it had been occupied at the Time of the Rate made and the Name of the Occupier or immediate Lessor inserted in the said Rate: Provided always, that if such Building

Building shall continue to be unoccupied during the whole of the Period for which the Rate was estimated as aforesaid, the Rate so made on the said Building shall not be recoverable: Provided also, that if after the making of the said Rate, and before the Expiration of the Period for which the Rate was so estimated as aforesaid, any Person shall occupy such Building for any Portion of such Period, the Board of Guardians shall be entitled to recover from the Occupier or the immediate Lessor, if he be liable to pay the same, a Portion only of the said Rate proportioned to the Time during which the said Building shall have been so occupied; and the same shall be recovered from the Occupier or immediate Lessor, as the Case may be, in the same Manner as if he had been originally rated for such Building.

1 & 2 Vict. c. 56. s. 73. County Cess Collectors not to be entitled to collect Poor Rates in preference to other Persons.

IX. From and after the *passing of this Act* so much of the Act passed in the First and Second Years of Her Majesty, intituled "An "Act for the more effectual Relief of the Destitute Poor in Ireland," as provides that every Rate made on each Electoral Division shall and may, if any Collector for the Time authorized to collect the County Cess in any Part of such Electoral Division shall be approved of by the Commissioners, and shall give Security to the Satisfaction of the Commissioners, and shall accept such Salary or Allowance as shall be approved by the Commissioners for his Trouble in that Behalf, be levied by such Collector, who shall, so far as relates to the Collection of such Rate, be deemed a paid Officer of the Union within which such Electoral Division shall be situate, shall be and the same is hereby repealed; and from and after the *passing of this Act* it shall and may be lawful for the Guardians of any Union, subject to the Approval of the Commissioners, to appoint from Time to Time such and so many Persons as they may deem expedient to collect and levy the Rates so made on the several Electoral Divisions.

Non-occupying Ratepayers to give full Description of the Property in respect of which they claim to vote, and of their Interest therein.

X. No Ratepayer shall be entitled to vote, either in Person or by Proxy, in respect of any Property not in his actual Occupation, or to give any Vote in addition to the Vote or Votes to which he would be entitled as an Occupier paying Rent equal to the net annual Value of the Property in his actual Occupation unless he or his Proxy shall, *One Month* at the least previous to the Day on which he shall claim to vote, have given to the Guardians, or to some Person acting as Returning Officer, a Statement in Writing of the Name and Address of such Ratepayer and the Description and local Situation of the Property in respect of which he claims to vote, specifying in Cities, Towns, and their Suburbs having Streets and other Roadways the Name of the Street or Roadway and the Number of the House or Tenement, if any, and the Parish in which

the Property is situate, and in other Places the Barony, Parish, and Townland, so that the Property may be ascertained and identified with reasonable Certainty, together with the Nature of the Interest of the Ratepayer therein, and its net annual Value over and above all Rents payable by him and the Amount of Rent payable to him, and the Names of the Tenants or Occupiers by whom Poor Rates have been deducted from such Rent, and no such Proxy shall be entitled to claim to vote unless such Proxy shall have given to the Guardians or some Person acting as Returning Officer, *One Month* at the least previous to the Day on which he shall claim to vote, the original or an attested Copy of the Writing appointing such Proxy.

Limitation of Property and Proxy Claims.

XI. No Claim of a Ratepayer to vote in the Election of Guardians, either in Person or by Proxy, in respect of any Property not in his actual Occupation, or to give a Vote or Votes in addition to the Vote or Votes to which he would be entitled as an Occupier paying Rent equal to the net annual Value of the Property in his Occupation, shall continue in force beyond the Period of *Five* Years from the Date on which he or his Proxy shall have given such Statement as aforesaid: Provided, that every Appointment of a Proxy may be revoked at any Time; provided also, that no Person shall be entitled to vote as Proxy for more than *Four* Owners of Property in any One Electoral Division or Ward unless he be a Steward, Bailiff, Land Agent, or Collector of Rents for the Owners of Property for whom he may be appointed to vote.

Owners or Immediate Lessors rated under 6 & 7 Vict. c. 92. ss. 1. and 4., and 12 & 13 Vict. c. 91. s. 63. may vote as if the Occupiers were rated.

XII. And whereas Doubts have been entertained whether Owners or immediate Lessors of Property who are rated under the Provisions of the Act of the Sixth and Seventh Years of Her Majesty, Chapter Ninety-two, Sections One and Four, and of the Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter Ninety-one, Section Sixty-three, are entitled to vote as Ratepayers in respect of Property for which they are so rated: Be it enacted, That it shall be lawful for Owners or immediate Lessors who are so rated as aforesaid to vote in respect of the Property in respect of which they are so rated in the same Manner as they would be entitled to do if the Occupiers were rated: Provided, that every such Owner or immediate Lessor or his Proxy shall have lodged a Statement in the Manner herein-before provided with reference to Persons claiming to vote in respect of Property not in their actual Occupation; provided also, that no such Owner or immediate Lessor shall be entitled to a greater Number of Votes in respect of the Property for which he is rated under the Provisions aforesaid than he would be entitled to as an Occupier paying Rent equal to the Valuation of the same Property.

XIII. No

No Person to vote for a greater Amount of Rent than the rateable Value of the Property.

XIII. No Person receiving Rent shall be entitled to vote in respect thereof for any greater Amount of Rent than the actual Value of the Property out of which such Claim arises, according to the Valuation of the same in the Survey or Valuation of rateable Hereditaments for the Time being in force in the Union.

Poor Law Inspectors authorized to act under Medical Charities Act, 10 & 11 Vict c. 90. 14 & 15 Vict. c. 68.

XIV. And whereas by an Act passed in the Tenth and Eleventh Years of the Reign of Her Majesty, Chapter Ninety, the said Commissioners are empowered from Time to Time, subject to the Approval of the Lord Lieutenant, to appoint so many fit Persons as shall be allowed by the Commissioners of Her Majesty's Treasury to be Inspectors to assist in the Execution of the Acts for the Relief of the Poor in Ireland, and by another Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty, Chapter Sixty-eight, the said Commissioners are empowered from Time to Time to appoint so many fit Persons as the Commissioners of Her Majesty's Treasury shall sanction, having the Qualification therein described, to be Inspectors to assist in carrying out the Provisions of the said last-mentioned Act: Be it enacted, That every Inspector appointed or hereafter to be appointed under the Provisions of the said Act of the Tenth and Eleventh Years of Her Majesty, to assist in the Execution of the Acts for the Relief of the Poor in Ireland, shall be deemed to be an Inspector under the Provisions of the said Act of the Fourteenth and Fifteenth Years of Her Majesty, and shall be empowered to assist in carrying out the Provisions of the said last-mentioned Act as fully and effectually as if he had been appointed under such Act, notwithstanding that he may not possess the Medical Qualification required by such Act.

Persons obtaining Tickets for Medical Relief under 14 & 15 Vict. c. 68. found to be able to pay Cost or Part thereof required to pay the same.

XV. And whereas under the Provisions of the Ninth Section of the said last-mentioned Act every Member of any Dispensary Committee, and every Relieving Officer and Warden acting for an Electoral Division included in a Dispensary District, is authorized to afford Medical Relief by the Issue of a Ticket for Medicine and Advice, or a Ticket in such Form as the Commissioners for administering the Laws for Relief of the Poor in Ireland shall prescribe, addressed to the Medical Officer of the District, directing him to afford Medicine and Advice, or to attend on any poor Person resident therein, and such Medical Officer is required by the said Act to afford such Medicine or Advice, or to attend such Person, until the Ticket be cancelled at a subsequent Meeting of the Dispensary Committee; and it is expedient to amend the same: Be it enacted, That on the cancelling of any such Ticket by the Committee as aforesaid, and in case it shall appear to the Dispensary Committee that the Person who has obtained such Ticket is of sufficient Ability

to pay the Cost of such Medical Relief or some Portion of such Cost, such Person shall be liable to repay such Cost, or such Proportion thereof as such Dispensary Committee shall determine, and such Sum shall be recoverable from such Person by the Board of Guardians of the Union by the same Ways and Means as the Cost of Relief given by way of Loan is recoverable under the Acts in force for the Relief of the Destitute Poor in Ireland, and the Board of Guardians shall recover the same; and all such Sums or any Part thereof which shall be so recovered shall be lodged with the Treasurer of the Union within which such Dispensary District is situate, and be placed to the Credit of the Electoral Divisions comprised in such Dispensary District: Provided always, that the said Dispensary Committee may determine that such Portion of any Sum so recovered shall be paid to the Medical Officer of the District as to such Committee shall seem just, and the Guardians of the Union shall direct such Sum to be paid accordingly, and debited to the Electoral Divisions comprising the Dispensary District.

Provision for Dispensary Arrangement on Dissolution of the Board of Guardians. 10 Vict. c. 31.

XVI. And whereas by an Act passed in the Tenth Year of the Reign of Her Majesty, Chapter Thirty-one, the said Commissioners are empowered in case regular Meetings of the Board of Guardians shall not be holden, or in case through the Default of the Guardians the Duties of the Board of Guardians shall not be effectually discharged, to dissolve the said Board of Guardians, and to appoint such and so many paid Officers as they may think fit to carry into execution the Provisions of the Acts for the Relief of the Destitute Poor in Ireland: And whereas by the said recited Act of the Fourteenth and Fifteenth Years of Her Majesty Provision is made for the Appointment of Committees of Management for the several Dispensary Districts in each Union, such Committees to consist of a sufficient Number of Ratepayers, to be elected by the Board of Guardians, who are resident in each District, and liable to pay Poor Rates in respect of Property therein of the net annual Value of Thirty Pounds at the least, together with the ex-officio and elected Guardians of the Poor resident or being the Owners or Occupiers of Property therein: Be it enacted, That in the event of any Board of Guardians being dissolved, and paid Officers appointed to carry into effect the Provisions of the Acts for the Relief of the Destitute Poor in Ireland in such Union, such paid Officers shall have all the Powers which the Board of Guardians had or could have exercised under the Provisions of the said recited Act of the Fourteenth and Fifteenth Years of Her Majesty, and every Committee of Management of a Dispensary District in such Union at the Time of such Dissolution of the Board of Guardians shall continue to act as such, until a Board of Guardians shall be again elected, and at the First Meeting of the Guardians after

after a new Board of Guardians shall have been so elected as aforesaid, or as soon thereafter as conveniently may be, a new Committee of Management for each Dispensary District in the said Union shall be appointed in the Manner provided by the said Act, and in the meantime and until such new Election the ex-officio and elected Members of the Board so dissolved shall continue to be Members of such Committee, notwithstanding such Dissolution of the Board of Guardians as aforesaid.

Persons becoming qualified as ex-officio Members of Dispensary Committee after the Number is completed may act.

XVII. And whereas by the said last-recited Act the Commissioners are required to fix by their Order the Number of Persons who shall be Members of the Committee of Management of a Dispensary District, and the Guardians of the Union containing such District are required to elect annually, if necessary, a sufficient Number of Ratepayers resident in the District, and liable to pay Poor Rates in respect of Property therein of the net annual Value of Thirty Pounds at the least, who, together with certain ex-officio and elected Guardians of the Poor, are to be the Committee for the Management of such Dispensary District: And whereas Doubts have been entertained as to the Right of Persons to act as Members of such Committee who have become qualified to act as ex-officio Members thereof subsequently to the Election by the Board of Guardians of a sufficient Number of Ratepayers to make the Number of the Members of the Committee amount to the Number named in the Order of the Commissioners: Be it enacted, That every Person who shall become qualified to be an ex-officio Member of the Committee of Management of any Dispensary District subsequently to the Completion of the Number of Members of such Committee, as required by the said Act, shall be a Member of the said Committee, and shall be entitled to act as such until after the next annual Appointment of the Committee, notwithstanding that by his so acting the Number of Members of the said Committee may be greater than the Number named in the Order of the said Commissioners.

Ratepayers liable to Poor Rates on a net Annual Value equal to the Qualification for Guardian may be elected Members of Committee.

XVIII. And whereas it is expedient to amend the Provision of the said recited Act of the Fourteenth and Fifteenth Years of Her Majesty, which requires that the Ratepayers who may be elected Members of Dispensary Committees shall be liable to pay Poor Rates in respect of Property therein of the net annual Value of Thirty Pounds at the least: Be it enacted, That every Ratepayer resident in any Dispensary District, and liable to pay Poor Rates in respect of Property in the Electoral Division in which he so resides, of a net annual Value equal to the Amount fixed for the Qualification for the Office of Guardian for such Electoral Division, shall be eligible to be

elected a Member of the Committee for the Management of such District.

Paid Officers and others incapable of serving as Guardian.

XIX. No paid Officer engaged in the Administration of the Laws for the Relief of the Poor, or under the Act for the better Distribution, Support, and Management of Medical Charities in Ireland, nor any Person who, having been such paid Officer, shall have been dismissed within *Five* Years previously from such Office by the said Commissioners, shall be capable of serving as a Guardian, and no Person receiving any fixed Salary or Emolument from the Poor Rates in any Union shall be capable of serving as a Guardian in such Union.

Salary of Dispensary Medical Officer not to be altered until One Year after the Approval of the Commissioners.

XX. When the Salary of the Medical Officer of a Dispensary District shall have been determined by the Guardians and approved by the Commissioners, or shall have been fixed by an Order under the Seal of the Commissioners, or when an Appointment of a Medical Officer of a Dispensary District at a certain Amount of Salary shall have taken place, no Alteration of the Amount of such Salary shall take effect until *One Year* after such Alteration shall have received the Approval of the Commissioners or shall have been made by them.

As to Appointment of Medical Officer on Alteration of Dispensary District.

XXI. If at any Time through the Alteration of the Dispensary Districts of a Union it shall become necessary to make a new Appointment of Medical Officer for any Dispensary District, it shall be lawful for the Commissioners, if they shall think fit, to nominate for Appointment to such Office by the Committee of Management of such District any Person who shall at the Time of such Alteration be acting as Medical Officer of Part of such District, or, if there shall be more Persons so situated, to nominate all or any of such Persons as the Commissioners shall think fit as Candidates for the said Office; and in the latter Case the Committee of Management shall select and appoint a Medical Officer from the Candidates so nominated.

Medical Charities (Ireland) Act Amendment.

A

BILL

To amend the Laws in force for the Relief of the Destitute Poor in Ireland, and to amend an Act of the Fourteenth and Fifteenth Years of Her Majesty providing for the better Distribution, Support, and Management of Medical Charities in Ireland.

(*Prepared and brought in by Mr. Henry Herbert and Mr. Attorney General for Ireland.*)

Ordered, by The House of Commons, *to be Printed*, 12 *February* 1858.

[Bill 20.]

Under 2 oz.

A

BILL

TO

Regulate the Qualifications of Practitioners in Medicine and Surgery.

Preamble.

WHEREAS it is expedient that the Qualifications of Persons seeking to enter the Medical Profession should be tested and declared by competent Authorities, and that Persons requiring Medical Aid should be enabled to distinguish qualified from unqualified Practitioners: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may for all Purposes be cited as "The Medical Act."

Commencement of Act.

II. This Act shall commence and take effect from the *First Day of September One thousand eight hundred and fifty-eight.*

Medical Council.

III. A Council which shall be styled "The General Council of Medical Education and Registration of the United Kingdom," shall be established, and Branch Councils for England, Scotland, and Ireland respectively formed thereout as herein-after mentioned.

Council to make Orders and Regulations.

IV. The General Council of Medical Education and Registration of the United Kingdom, herein-after called the General Council, shall make Orders and Regulations in relation to the Matters herein-after mentioned, as soon as conveniently may be after the *Commencement of this Act*, and may from Time to Time repeal or alter any such Orders or Regulations, and make new Orders or Regulations in addition to or in substitution for all or any of the Orders or Regulations for the Time being in force, but no such Orders, Regulations, Repeals, or Alterations shall have Force until approved by Her Majesty in Council; and Notice of the Time when it shall please Her Majesty that any such Orders or Regulations, Repeals or Alterations as aforesaid, be taken into consideration by Her Privy Council, shall be published in the London Gazette, *One Month* at least before such appointed Time.

The following are the Matters in relation to which such Orders and Regulations shall be made; (that is to say,)

Establishing a Register or Registers of Medical Practitioners qualified to practise under this Act, and any separate Register or Registers if the General Council shall so think fit of Persons having Degrees, Diplomas, or Special Titles in Medicine or Surgery in addition to their Authority to practise under this Act, and for adding such Degrees, Diplomas, and special Titles to the General Register of Persons entitled to practise, and the Form and Manner in which such Register or several Registers shall be kept.

Defining the Qualifications and Conditions in respect of general and professional Knowledge and Course of Study, and in respect of Age and otherwise, which shall entitle Persons (others than such as may be entitled in respect of Qualifications existing before the *First Day of December One thousand eight hundred and fifty-eight*) to be registered, and what Degrees, Diplomas, Certificates of examining Bodies, or other Testimonials shall be required or admitted as Evidence of such Qualifications or of the Compliance with such Conditions.

And for the Purpose aforesaid the Orders or Regulations may require that Two or more of the examining Bodies in any Part of the United Kingdom shall co-operate in conducting a required Examination and in certifying in relation thereto.

The General Council may if they think fit, by their Orders or Regulations approved as aforesaid, establish or provide for establishing Examiners in any one or more of the Branches of Knowledge in which Persons desirous of being registered must be qualified in any Part of the United Kingdom where Examination in such Branch or Branches of Knowledge is not otherwise provided for, to the Satisfaction of the General Council.

The

The General Council shall by their Orders and Regulations approved as aforesaid fix a Fee to be paid on the Registration of every Person becoming entitled to be registered under the Orders and Regulations, such Fee to be paid by the examining Body by which the Evidence entitling such Person to be registered may be transmitted to the Registrar.

Members of Council.

V. The General Council shall consist of One Person chosen from Time to Time by each of the following Bodies; (that is to say,)

The College of Physicians:
The Royal College of Surgeons of England:
The Apothecaries Society of London:
The University of Oxford:
The University of Cambridge:
The University of Durham:
The University of London:
The College of Physicians of Edinburgh:
The College of Surgeons of Edinburgh:
The Faculty of Physicians and Surgeons of Glasgow:
The University of Edinburgh:
One Person chosen from Time to Time by the University of Glasgow, the Two Universities of Aberdeen, and the University of Saint Andrews, collectively:
One Person chosen from Time to Time by each of the following Bodies:
The King and Queen's College of Physicians in Ireland:
The Royal College of Surgeons in Ireland:
The Apothecaries Society of Ireland:
The University of Dublin:
The Queen's University in Ireland:

And *Six* Persons, not being Members of Council or Office Bearers in any of the said Medical Colleges or Societies, to be nominated by Her Majesty with the Advice of Her Privy Council, *Four* of whom shall be appointed for England, *One* for Scotland, and *One* for Ireland.

Providing for Appointment, if Universities of Glasgow, Aberdeen, and Saint Andrews disagree.

VI. If the said Universities of Glasgow, Aberdeen, and Saint Andrews shall not be able to agree upon some One Person to represent them in the Council, it shall be lawful for each One of the said Universities to select One Person; and thereupon it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to appoint One of the Persons so selected to be a Member of the said Council for the said Universities.

Branches of the Council for England.

VII. The Representatives of the Medical Corporations and Universities of England, Scotland, and Ireland, respectively, and the Members nominated by Her Majesty, with the Advice of Her Privy Council,

Scotland, and Ireland.

for such Parts respectively of the United Kingdom, shall be the Branch Councils for such Parts respectively of the United Kingdom, to which Branch Councils shall be delegated such of the Powers and Duties vested in the Council as the Council may see fit other than the Power to make Orders and Regulations, or Repeals or Alterations thereof to be submitted for the Approval of Her Majesty in Council as herein-after mentioned.

Qualification.

VIII. Members of the General Council representing the Medical Corporations must be qualified to be registered under this Act.

Resignation or Death of Member of General Council.

IX. Any Member of the General Council may at any Time resign his Appointment by Letter addressed to the President of the said Council, and upon the Death or Resignation of any Member of the said Council, some other Person shall be constituted a Member of the said Council in his Place in manner herein-before provided; but it shall be lawful for the Council during such Vacancy to exercise the Powers herein-after mentioned.

Time and Place of Meeting of the General Council.

X. The General Council shall hold their First Meeting within *Three* Months from the Commencement of this Act, in such Place and at such Time as One of Her Majesty's Principal Secretaries of State shall appoint, and shall make such Rules and Regulations as to the Times and Places of the Meetings of the General Council, and the Mode of summoning the same, as to them shall seem expedient, which Rules and Regulations shall remain in force until altered at any subsequent Meeting; and in the Absence of any Rule or Regulation as to the summoning a Meeting of the General Council, it shall be lawful for the President to summon a Meeting at such Time and Place as to him shall seem expedient by Letter addressed to each Member; and at every Meeting, in the Absence of the President, some other Member to be chosen from the Members present shall act as President; and all Acts of the General Council shall be decided by the Votes of the Majority of the Members present at any Meeting, the whole Number present not being less than *Eight*, and at all such Meetings the President for the Time being shall, in addition to his Vote as a Member of the Council, have a Casting Vote, in case of an Equality of Votes; and the General Council shall have Power to appoint an Executive Committee out of their own Body, of which the Quorum shall not be less than *Three*, and to delegate to such Committee such of the Powers and Duties vested in the Council as the Council may see fit, other than the Power of making Orders and Regulations.

Appointment of Registrars and other Officers.

XI. The General Council shall appoint a Registrar, who shall act as Secretary of the General Council, and who may also act as Treasurer, unless the Council shall appoint another Person or other Persons as Treasurer or Treasurers; and the Person or Persons so appointed

appointed shall likewise act as Registrar for England, and as Secretary and Treasurer or Treasurers, as the Case may be, for the Branch Council for England; the General Council and Branch Council for England shall also appoint so many Clerks and Servants as shall be necessary for the Purposes of this Act; and every Person so appointed by any Council shall be removable at the Pleasure of that Council, and shall be paid such Salary as the Council by which he was appointed shall think fit.

Appointment of Registrars and other Officers by Branch Councils.

XII. The Branch Councils for Scotland and Ireland shall each respectively in like Manner appoint a Registrar and other Officers and Clerks, who shall be paid such Salaries as such Branch Councils respectively shall think fit, and be removable at the Pleasure of the Council by which they were appointed; and the Person appointed Registrar shall also act as Secretary to the Branch Council, and may also act as Treasurer, unless the Council shall appoint some other Person or Persons as Treasurer or Treasurers.

Fees for Attendance at Councils.

XIII. There shall be paid to the Members of the Councils such Fees for Attendance and such reasonable Travelling Expenses as shall from Time to Time be allowed by the General Council and approved by the Commissioners of Her Majesty's Treasury.

Expenses of the Councils.

XIV. All Monies payable to the respective Councils shall be paid to the Treasurers of such Councils respectively, and shall be applied to defray the Expenses of carrying this Act into execution in Manner following; that is to say, separate Accounts shall be kept of the Expenses of the General Council, and of those of the Branch Councils; and the Expenses of the General Council, including those of keeping, printing, and publishing the Register for the United Kingdom, shall be defrayed, under the Direction of the General Council, by means of an equal Per-centage Rate upon all Monies received by the several Branch Councils; Returns shall be made by the Treasurers of the respective Branch Councils, at such Times as the General Council shall direct, of all Monies received by them; and the necessary Per-centage having been computed by the General Council, the respective Contributions shall be paid by the Treasurers of each Branch Councils to the Treasurer or Treasurers of the General Council; and the Expenses of the Branch Councils shall be defrayed, under the Direction of those Councils, respectively out of the Residue of the Monies so received as aforesaid.

Duty of Registrar to keep the Register correct.

XV. It shall be the Duty of the Registrars to keep their respective Registers correct in accordance with the Provisions of this Act, and the Orders and Regulations of the General Council, and to erase the Names of all registered Persons who shall have died,

died, and shall from Time to Time make the necessary Alterations in the Addresses or Qualifications of the Persons registered under this Act; and to enable the respective Registrars duly to fulfil the Duties imposed upon them it shall be lawful for the Registrar to write a Letter to any registered Person, addressed to him according to his Address on the Register, to inquire whether he has ceased to practise, or has changed his Residence, and if no Answer shall be returned to such Letter within the Period of *a Month* from the sending of the Letter it shall be lawful to erase the Name of such Person from the Register; provided always, that the same may be restored by Direction of the General Council should they think fit to make an Order to that Effect.

Registration of Persons qualified and in Practice before the 1st December 1858.

XVI. Every Person who before the *First Day of December One thousand eight hundred and fifty-eight* is possessed of any One or more of the Qualifications described in the Schedule (A.) to this Act shall be entitled to be registered, on producing before the *First Day of January One thousand eight hundred and fifty-nine* to the Registrar of the Branch Council for England, Scotland or Ireland, the Document conferring or evidencing the Qualification or each of the Qualifications in respect whereof he seeks to be so registered, or if he be a Person who was actually practising Medicine in England prior to the *First Day of August One thousand eight hundred and fifteen*, a Declaration according to the Form in the Schedule (B.), to this Act, signed by him, or upon transmitting, before the said *First Day of January One thousand eight hundred and fifty-nine*, by Post, to such Registrar Information of his Name and Address, and of the Qualification or Qualifications in respect whereof he seeks to be registered, and of the Time or Times at which the same was or were respectively obtained, or (as the Case may require) inclosing such Declaration as aforesaid: Provided always, that it shall be lawful for the several Colleges and other Bodies mentioned in the said Schedule (A.) to transmit to the said Registrar before the said *First Day of January One thousand eight hundred and fifty-nine* Lists certified under their respective Seals of the several Persons who, in respect of Qualifications granted by such Colleges and Bodies respectively before the said *First Day of December One thousand eight hundred and fifty-eight* are entitled to be registered under this Act, stating the respective Qualifications and Places of Residence of such Persons; and it shall be lawful for the Registrar thereupon to enter on the Register the Persons mentioned in such Lists, with their Qualifications and Places of Residence as therein stated, without other Application in relation thereto; provided also, that any Person possessed before the said *First Day of December One thousand eight hundred and fifty-eight* of any such Qualification as aforesaid, who does not make Application as aforesaid to be registered before the

First

First Day of January One thousand eight hundred and fifty-nine, and who has not been included in any List transmitted as aforesaid, shall upon such Production or Transmission by him as herein-before mentioned be entitled, upon Payment of a Sum of *Two Pounds*, to be registered according to his Qualification or Qualifications. Other Persons to be registered in conformity with Orders and Regulations.

XVII. No Person other than those entitled under the foregoing Enactment shall be registered under this Act, except in conformity with the Orders and Regulations of the General Council for the Time being in force under this Act. Examining Bodies for Purposes of Act.

XVIII. For the Purposes of Registration under this Act, the Bodies herein-after mentioned shall be deemed examining Bodies for the several Parts of the United Kingdom;

For England,
The Royal College of Physicians:
The Royal College of Surgeons of England:
The Society of Apothecaries of London:
The University of Oxford:
The University of Cambridge:
The University of London:
The University of Durham:

For Scotland,
The Royal College of Physicians of Edinburgh:
The Royal College of Surgeons of Edinburgh:
The Faculty of Physicians and Surgeons at Glasgow
The University of Edinburgh:
The University of Glasgow:
The University and King's College Aberdeen:
The Marischal College and University, Aberdeen:
The University of Saint Andrews:

And for Ireland,
The King and Queen's College of Physicians in Ireland:
The Royal College of Surgeons:
The Apothecaries Society of Ireland.
The University of Dublin:
The Queen's University in Ireland:

XIX. The Diplomas, Degrees, and Certificates of the said examining Bodies respectively shall, subject to the Orders and Regulations of the General Council, be Evidence of the Qualifications which are to entitle Persons to be registered under this Act. Diplomas, Degrees, and Certificates.

XX. Where any Person entitled to be registered under this Act applies to the Registrar of any of the said Branch Councils for that Purpose, such Registrar shall forthwith enter in a Local Register to be As to Registration by Assistant Registrars

be kept by him for that Purpose such Particulars in relation to such Persons as may be required by the Orders and Regulations of the General Council for the Time being in force under this Act, and shall, in the Case of the Registrar of the Branch Council for Scotland, or Ireland, with all convenient Speed send to the Registrar of the General Council a Copy, certified under the Hand of the Registrar, of the Entry so made, and the Registrar of the General Council shall forthwith cause the same to be entered in the General Register; and such Registrar shall also forthwith cause all Entries made in the local Register for England to be entered in the General Register; and the Entry on the General Register shall bear Date from the Local Register.

Evidence of Qualification to be given before Registration.

XXI. No Qualification shall be entered on the Register, either on the First Registration or by way of Addition to a registered Name, unless the Registrar be satisfied by the proper Evidence that the Person claiming is entitled to it; and any Appeal from the Decision of the Registrar may be decided by the General Council, or by the Council for England, Scotland, or Ireland (as the Case may be); and any Entry which shall be proved to the Satisfaction of such General Council or Branch Council to have been fraudulently or incorrectly made may be erased from the Register by Order in Writing of such General Council or Branch Council.

Register to be published.

XXII. The Registrar of the General Council shall in every Year cause to be printed, published, and sold, under the Direction of such Council, a correct Register of the Names, Places of Residence, and other Particulars herein-before required of all Persons appearing on the General Register as existing on the First Day of January in every Year; and such Register shall be called "The Medical Register;" and a Copy of the Medical Register for the Time being, purporting to be so printed and published as aforesaid, shall be Evidence in all Courts and before all Justices of the Peace and others that the Persons therein specified are registered according to the Provisions of this Act; and the Absence of the Name of any Person from such Copy shall be Evidence, until the contrary be made to appear, that such Person is not registered according to the Provisions of this Act: Provided always, that in the Case of any Person whose Name does not appear in such Copy, a certified Copy under the Hand of the Registrar of the General Council or of any Branch Council, of the Entry of the Name of such Person on the General or Local Register shall be Evidence that such Person is registered under the Provisions of this Act.

Names struck off from List of

XXIII. If any of the said Colleges or the said Faculty at any Time exercise any Power they possess by Law of striking off from the List of

of such College or Faculty the Name of any one of their Members, such College or Faculty shall signify to the General Council the Name of the Member so struck off; and the General Council may if they see fit direct the Registrar to erase forthwith from the Register the Qualification derived from such College or Faculty in respect of which such Member was registered, and the Registrar shall note the same therein: Provided always, that the Name of no Person shall be erased from the Register on the Ground of his having adopted any Theory in the Practice of Medicine or Surgery.

Medical Practitioners convicted of Felony may be struck off the Register.

XXIV. If any registered Medical Practitioner shall be convicted in England or Ireland of any Felony or Misdemeanor, or in Scotland of any Crime or Offence, or shall after due Inquiry be judged by the General Council to have been guilty of infamous Conduct in any professional respect, the General Council may, if they see fit, direct the Registrar to erase the Name of such Medical Practitioner from the Register.

Registered Persons may have subsequent Qualifications inserted in the Register.

XXV. Every Person registered under this Act who may at any Time have obtained the Degree of Bachelor of Medicine or Doctor of Medicine in any University of the United Kingdom, or become a Fellow or Licentiate of a College of Physicians of the United Kingdom, or a Fellow of a College of Surgeons of the United Kingdom, or a Fellow of the Faculty of Physicians and Surgeons of Glasgow, shall be entitled to have such additional Qualification inserted in the Register on Payment of such Fee as the Council may appoint.

Privileges of registered Persons.

XXVI. Every Person registered under this Act shall be entitled according to his Qualification or Qualifications to practise Medicine or Surgery, or Medicine and Surgery, as the Case may be, in any Part of the United Kingdom, and to demand and recover in any Court of Law, with full Costs of Suit, reasonable Charges for professional Aid, Advice, and Visits, and the Cost of any Medicines or other Medical or Surgical Appliances rendered or supplied by him to his Patients.

None but registered Persons to recover Charges.

XXVII. After the *First Day of January One thousand eight hundred and fifty-nine*, no Person shall be entitled to recover any Charge in any Court of Law for any Medical or Surgical Advice, Attendance, or for the Performance of any Operation, or for any Medicine which he shall have both prescribed and supplied, unless he shall prove upon the Trial that he is registered under this Act.

Meaning of legally qualified Medical Practitioner.

XXVIII. After the *First Day of January One thousand eight hundred and fifty-nine*, the Words "legally qualified Medical Practitioner" or "duly qualified Medical Practitioner," or any Words importing a Person recognized by Law as a Medical Practitioner or

Member of the Medical Profession, when used in any Act of Parliament, shall be construed to mean a Person registered under this Act.

Registered Persons exempted from serving on Juries, &c.

XXIX. Every Person who shall be registered under the Provisions of this Act shall be exempt, if he shall so desire, from serving on all Juries and Inquests whatsoever, and from serving all Corporate, Parochial, Ward, Hundred, and Township Offices, and from serving in the Militia, and the Name of such Person shall not be returned in any List of Persons liable to serve in the Militia, or in any such Office as aforesaid.

Unregistered Persons not to hold certain Appointments.

XXX. After the *First Day of January One thousand eight hundred and fifty-nine*, no Person shall hold any Appointment as a Physician, Surgeon, or other Medical Officer either in the Military or Naval Service, or in Emigrant or other Vessels, or in any Hospital, Infirmary, Dispensary, or Lying-in Hospital, not supported wholly by voluntary Contributions, or in any Lunatic Asylum, Gaol, Penitentiary, House of Correction, House of Industry, Parochial or Union Workhouse or Poorhouse, Parish Union, or other public Establishment, Body, or Institution, or to any Friendly or other Society for affording mutual Relief in Sickness, Infirmity, or old Age, or as a Medical Officer of Health, unless he be registered under this Act.

No Certificate to be rated unless Person signing be registered.

XXXI. After the *First Day of January One thousand eight hundred and fifty-nine*, no Certificate required by any Act now in force, or that may hereafter be passed from any Physician, Surgeon, Licentiate in Medicine and Surgery, or other Medical Practitioner, shall be valid unless the Person signing the same be registered under this Act.

Wilful Falsification of Register.

XXXII. Any Registrar who shall wilfully make or cause to be made any Falsification in any Matters relating to the Register shall be deemed guilty of a Misdemeanor in England or Ireland, and in Scotland of a Crime or Offence punishable by Fine or Imprisonment, and shall, on Conviction thereof, be imprisoned for any Term not exceeding *Twelve* Months.

Penalty for obtaining Registration by false Representations.

XXXIII. If any Person shall wilfully procure or attempt to procure himself to be registered under this Act, by making or producing or causing to be made or produced any false or fraudulent Representation or Declaration, either verbally or in Writing, every such Person so offending, and every Person aiding and assisting him therein, shall be deemed guilty of a Misdemeanor in England and Ireland, and in Scotland of a Crime or Offence punishable by Fine or Imprisonment, and shall, on Conviction thereof, be sentenced to be imprisoned for any Term not exceeding *Twelve* Months.

XXXIV. Any

Penalty for falsely pretending to be a registered Person.

XXXIV. Any Person who shall wilfully and falsely pretend to be or take or use the Name or Title of a Physician, Doctor of Medicine, Licentiate in Medicine and Surgery, Bachelor of Medicine, Surgeon, General Practitioner or Apothecary, or any Name, Title, Addition, or Description implying that he is registered under this Act, or that he is recognized by Law as a Physician, or Surgeon, or Licentiate in Medicine and Surgery, or a Practitioner in Medicine, or an Apothecary, shall, upon a summary Conviction for any such Offence, pay a Sum not exceeding *Twenty Pounds* nor less than *Five Pounds*.

Recovery of Penalties.

XXXV. Any Penalty to which under this Act any Person is liable on summary Conviction of any Offence, may be recovered as follows; (that is to say,) in England, in manner directed by the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three, and in Ireland in manner directed by "The Petty Sessions (Ireland) Act, 1851," or any other Act for the Time being in force in England and Ireland respectively for the like Purposes; and any such Penalty may in Scotland be recovered by the Procurates Fiscal of the County, or by any other Person before the Sheriff or Two Justices, who may proceed in a summary Way and grant Warrant for bringing the Party complained against before him or them, or issue an Order requiring such Party to appear on a Day and at a Time and Place to be named in such Order, and every such Order shall be served on the Party by delivering to him in Person or by leaving at his usual Place of Abode a Copy of such Order and of the Complaint whereupon the same has proceeded, and upon the Appearance or Default to appear of the Party, it shall be lawful for the Sheriff or Justices to proceed to the hearing of the Complaint, and upon Proof on Oath or Confession of the Offence, the Sheriff or Justices shall without any written Pleadings or Record of Evidence commit the Offender and decern him to pay the Penalty named as well as such Expenses as the Sheriff or Justices shall think fit, and failing Payment shall grant Warrant for Recovery thereof by Poinding and Imprisonment, such Imprisonment to be for such Period as the Discretion of the Sheriff or Justices may direct, not exceeding *Three* Calendar Months, and to cease on Payment of the Penalty and Expenses.

Application of Penalties.

XXXVI. Any Sum or Sums of Money arising from Conviction and Recovery of Penalties as aforesaid shall be paid to the Treasurer of the General Council.

Application of Monies received by Treasurer.

XXXVII. All Monies received by any Treasurer arising from Fees to be paid on Examination, on Registration, from the Sale of Registers, from Penalties, or otherwise, shall be applied for Expenses of Registration and of the Execution of this Act.

Advance of Monies by the Commissioners of Her Majesty's Treasury.

XXXVIII. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to advance and pay, out of such Monies as may be provided by Parliament for this Purpose, such Monies as may be required for the Expenses incurred by or under the Authority of the General Council and Branch Councils in the Execution of this Act in the meantime, until sufficient Money for that Purpose shall be received from the Fees payable under this Act

Accounts to be published.

XXXIX. The Treasurers of the General and Branch Councils shall enter in Books to be kept for that Purpose a true Account of all Sums of Money by them received and paid, and such Accounts shall be submitted by them to the respective General Council and Branch Councils at such Times as the Councils shall require; and the said Accounts shall be published annually, and such Accounts shall be laid before both Houses in the Month of March in every Year, if Parliament be sitting, or, if Parliament be not sitting, then within *One Month* after the next Meeting of Parliament.

Notice of Death of Medical Practitioners to be given by Registrars.

XL. Every Registrar of Deaths in the United Kingdom on receiving Notice of the Death of any Medical Practitioner shall forthwith transmit by Post to the Registrar of the General Council and to the Registrar of the Branch Council a Certificate under his own Hand of such Death, with the Particulars of Time and Place of Death, and may charge the Cost of such Certificate and Transmission as an Expense of his Office, and on the Receipt of such Certificate the Medical Registrar shall erase the Name of such deceased Medical Practitioner from the Register.

Provision for Persons practising in the Colonies and elsewhere, and for Students.

XLI. It shall be lawful for the General Council by Special Orders to dispense with such Provisions of this Act or with such Part of any Regulations made by its Authority as to them shall seem fit, in favour of Persons now practising Medicine or Surgery in any Part of Her Majesty's Dominions other than Great Britain and Ireland by virtue of any of the Qualifications described in Schedule (A.); and also in favour of Persons practising Medicine or Surgery within the United Kingdom on foreign or colonial Diplomas or Degrees before the passing of this Act; and also in favour of any Persons now acting as Surgeons or Assistant Surgeons in the Army, Navy, or Militia, or in the Service of the East India Company, or in the public Service, or in the Service of any Charitable Institutions, and also, so far as to the Council shall seem expedient, in favour of Medical Students who shall have commenced their professional Studies before the passing of this Act.

New Charter may be

XLII. It shall be lawful for Her Majesty to grant to the Corporation of the Royal College of Physicians of London a new Charter,

Charter, and thereby to give to such Corporation the Name of "The Royal College of Physicians of England," and to make such Alterations in the Constitution of the same Corporation as to Her Majesty may seem expedient; and it shall be lawful for the said Corporation to accept such Charter under their Common Seal, and such Acceptance shall operate as a Surrender of all Charters heretofore granted to the said Corporation, except the Charter granted by King Henry the Eighth, and shall also operate as a Surrender of such Charter and of any Rights, Powers, or Privileges conferred by or enjoyed under an Act of the Session holden in the Fourteenth and Fifteenth Years of King Henry the Eighth, Chapter Five, confirming the same as far as such Charter and Act respectively may be inconsistent with such new Charter.

New Charter granted to the College of Physicians of London.

XLIII. It shall be lawful for Her Majesty to grant to the Corporation of the Royal College of Physicians of Edinburgh a new Charter, and thereby to give to the said College of Physicians the Name of "The Royal College of Physicians of Scotland," and it shall be lawful for the said Royal College of Physicians, under their Common Seal, to accept such new Charter, and such Acceptance shall operate as a Surrender of all Charters heretofore granted to the said Corporation.

New Charter may be granted to College of Physicians of Edinburgh.

XLIV. If at any future Period the Royal College of Surgeons of Edinburgh and Faculty of Physicians and Surgeons of Glasgow agree to amalgamate, so as to form One united Corporation, under the Name of "The Royal College of Surgeons of Scotland," it shall be lawful for Her Majesty to grant, and for such College and Faculty, under their respective Common Seals, to accept, such new Charter or Charters as may be necessary for effecting such Union, and such Acceptance shall operate as a Surrender of all Charters heretofore granted to such College and Faculty; and in the event of such Union it shall be competent for the said College and Faculty to make such Arrangements as to the Time and Place of their Examinations as they may agree upon, these Arrangements being in conformity with the Provisions of this Act, and subject to the Approval of the General Council.

The Faculty at Glasgow may be amalgamated.

XLV. It shall be lawful for Her Majesty to grant to the Corporation of the King and Queen's College of Physicians in Ireland a new Charter, and thereby to give to such Corporation the Name of "The Royal College of Physicians of Ireland," and to make such Alterations in the Constitution of the said Corporation as to Her Majesty may seem expedient; and it shall be lawful for the said Corporation to accept such Charter under their Common Seal, and

New Charter may be granted to the King and Queen's College of Physicians in Ireland.

such Acceptance shall operate as a Surrender of the Charter granted by King William and Queen Mary, so far as it may be inconsistent with such new Charter.

Charters not to contain new Restrictions in the Practice of Medicine or Surgery.

XLVI. Provided always, That nothing herein contained shall extend to authorize Her Majesty to create any new Restriction in the Practice of Medicine or Surgery, or to grant to any of the said Corporations any Powers or Privileges contrary to the Common Law of the Land or to the Provisions of this Act, and that no such new Charter shall in anywise prejudice, affect, or annul any of the existing Statutes or Byelaws of the Corporations to which the same shall be granted, further than shall be necessary for giving full Effect to the Alterations which shall be intended to be effected by such new Charters and by this Act in the Constitution of such Corporation.

Pharmacopœia.

XLVII. The General Council shall cause to be published under their Direction and Authority a Book containing a List of Medicines and Compounds, and the Manner of preparing them, together with the true Weights and Measures by which they are to be prepared and mixed, and containing such other Matter and Things relating thereto as the General Council shall think fit, to be called "British Pharmacopœia;" and the General Council shall cause to be altered, amended, and republished such Pharmacopœia as often as they shall deem it necessary.

Chemists, &c. not to be affected.

XLVIII. Nothing in this Act contained shall extend or be construed to extend to prejudice or in any way to affect the lawful Occupation, Trade, or Business of Chemists and Druggists, or the Rights, Privileges, or Employment of duly licensed Apothecaries in Ireland, so far as the same extend to selling, compounding, or dispensing Medicines.

SCHE-

SCHEDULE (A.)

1. Fellow, Licentiate, or Extra Licentiate of the Royal College of Physicians of London.
2. Fellow or Licentiate of the Royal College of Physicians of Edinburgh.
3. Fellow or Licentiate of the King's and Queen's College of Physicians of Ireland.
4. Fellow or Member of the Royal College of Surgeons of England.
5. Fellow or Licentiate of the Royal College of Surgeons of Edinburgh.
6. Fellow or Licentiate of the Faculty of Physicians and Surgeons of Glasgow.
7. Fellow or Licentiate of the Royal College of Surgeons in Ireland.
8. Licentiate of the Society of Apothecaries, London
9. Licentiate of the Apothecaries Hall, Dublin.
10. Doctor, or Bachelor, or Licentiate of Medicine, or Master in Surgery of any University of the United Kingdom; or Doctor of Medicine by Doctorate of the Archbishop of Canterbury.
11. Doctor of Medicine of any Foreign University, practising as a Physician in the United Kingdom before the First Day of December 1858, who shall produce Certificates to the Satisfaction of the Council of his having taken his Degree of Doctor of Medicine after regular Examination.

SCHEDULE (B.)

DECLARATION required of a Person who claims to be registered as a Medical Practitioner, upon the Ground that he was in practice as a Medical Practitioner in England or Wales before the First Day of August 1815:

To the Registrar of the Medical Council.

I, residing at in the County of hereby declare that I was practising as a Medical Practitioner at in the County of before the *First Day of August 1815.*

(Signed) [*Name.*]

Dated this Day of 185 .

Medical Practitioners.

A

BILL

To regulate the Qualifications of Practitioners in Medicine and Surgery.

(*Prepared and brought in by Mr. Cowper, Mr. Kinnaird, and Mr. Brady.*)

Ordered, by The House of Commons, *to be Printed*, 23 *March* 1858.

[Bill 37.]

Under 2 oz.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Regulate the Qualifications of Practitioners in Medicine and Surgery.

WHEREAS it is expedient that Persons requiring Medical Aid should be enabled to distinguish qualified from unqualified Practitioners: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may for all Purposes be cited as "The Medical Act." Short Title.

II. This Act shall commence and take effect from the First Day of September One thousand eight hundred and fifty-eight. Commencement of Act.

III. A Council which shall be styled "The General Council of Medical Education and Registration of the United Kingdom," hereinafter referred to as the General Council, shall be established, and Branch Councils for England, Scotland, and Ireland respectively formed thereout as herein-after mentioned. Medical Council.

Members of Council.

IV. The General Council shall consist of One Person chosen from Time to Time by each of the following Bodies; (that is to say,)

The College of Physicians:
The Royal College of Surgeons of England:
The Apothecaries Society of London:
The University of Oxford:
The University of Cambridge:
The University of Durham:
The University of London:
The College of Physicians of Edinburgh:
The College of Surgeons of Edinburgh:
The Faculty of Physicians and Surgeons of Glasgow:

One Person chosen from Time to Time by the University of Edinburgh and the Two Universities of Aberdeen collectively:

One Person chosen from Time to Time by the University of Glasgow and the University of Saint Andrews collectively:

One Person chosen from Time to Time by each of the following Bodies:

The King and Queen's College of Physicians in Ireland:
The Royal College of Surgeons in Ireland:
The Apothecaries Society of Ireland:
The University of Dublin:
The Queen's University in Ireland:

And Six Persons, not being Members of Council or Office Bearers in any of the said Medical Colleges or Societies, to be nominated by Her Majesty with the Advice of Her Privy Council, Four of whom shall be appointed for England, One for Scotland, and One for Ireland; and of a President; to be nominated by Her Majesty with the Advice of Her Privy Council.

Providing for Appointment, if Universities of Glasgow, Aberdeen, and Saint Andrews disagree.

V. If the said Universities of Edinburgh and Aberdeen, of Glasgow and Saint Andrews respectively, shall not be able to agree upon some One Person to represent them in the Council, it shall be lawful for each One of the said Universities to select One Person; and thereupon it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to appoint One of the Persons so selected to be a Member of the said Council for the said Universities.

Branches of the Council for England, Scotland, and Ireland.

VI. The Members chosen by the Medical Corporations and Universities of England, Scotland, and Ireland, respectively, and the Members nominated by Her Majesty, with the Advice of Her Privy Council, for such Parts respectively of the United Kingdom, shall be the Branch Councils for such Parts respectively of the United Kingdom,

to

to which Branch Councils shall be delegated such of the Powers and Duties vested in the Council as the Council may see fit other than the Power to make Representations to Her Majesty in Council as herein-after mentioned: The President shall be a Member of all the Branch Councils.

Qualification.

VII. Members of the General Council representing the Medical Corporations must be qualified to be registered under this Act.

Resignation or Death of Member of General Council.

VIII. The Members of the General Council shall be chosen and nominated for a Term not exceeding Five Years, and shall be capable of Re-appointment, and any Member may at any Time resign his Appointment by Letter addressed to the President of the said Council, and upon the Death or Resignation of any Member of the said Council, some other Person shall be constituted a Member of the said Council in his Place in manner herein-before provided; but it shall be lawful for the Council during such Vacancy to exercise the Powers herein-after mentioned.

Time and Place of Meeting of the General Council.

IX. The General Council shall hold their First Meeting within Three Months from the Commencement of this Act, in such Place and at such Time as One of Her Majesty's Principal Secretaries of State shall appoint, and shall make such Rules and Regulations as to the Times and Places of the Meetings of the General Council, and the Mode of summoning the same, as to them shall seem expedient, which Rules and Regulations shall remain in force until altered at any subsequent Meeting; and in the Absence of any Rule or Regulation as to the summoning a Meeting of the General Council, it shall be lawful for the President to summon a Meeting at such Time and Place as to him shall seem expedient by Letter addressed to each Member; and at every Meeting, in the Absence of the President, some other Member to be chosen from the Members present shall act as President; and all Acts of the General Council shall be decided by the Votes of the Majority of the Members present at any Meeting, the whole Number present not being less than Eight, and at all such Meetings the President for the Time being shall, in addition to his Vote as a Member of the Council, have a Casting Vote, in case of an Equality of Votes; and the General Council shall have Power to appoint an Executive Committee out of their own Body, of which the Quorum shall not be less than Three, and to delegate to such Committee such of the Powers and Duties vested in the Council as the Council may see fit, other than the Power of making Representations to Her Majesty in Council as herein-after mentioned.

Appointment of Registrars and other Officers.

X. The General Council shall appoint a Registrar, who shall act as Secretary of the General Council, and who may also act as Treasurer, unless the Council shall appoint another Person or other Persons as Treasurer or Treasurers; and the Person or Persons so appointed shall likewise act as Registrar for England, and as Secretary and Treasurer or Treasurers, as the Case may be, for the Branch Council for England; the General Council and Branch Council for England shall also appoint so many Clerks and Servants as shall be necessary for the Purposes of this Act; and every Person so appointed by any Council shall be removable at the Pleasure of that Council, and shall be paid such Salary as the Council by which he was appointed shall think fit.

Appointment of Registrars and other Officers by Branch Councils.

XI. The Branch Councils for Scotland and Ireland shall each respectively in like Manner appoint a Registrar and other Officers and Clerks, who shall be paid such Salaries as such Branch Councils respectively shall think fit, and be removable at the Pleasure of the Council by which they were appointed; and the Person appointed Registrar shall also act as Secretary to the Branch Council, and may also act as Treasurer, unless the Council shall appoint some other Person or Persons as Treasurer or Treasurers.

Fees for Attendance at Councils.

XII. There shall be paid to the Members of the Councils such Fees for Attendance and such reasonable Travelling Expenses as shall from Time to Time be allowed by the General Council and approved by the Commissioners of Her Majesty's Treasury.

Expenses of the Councils.

XIII. All Monies payable to the respective Councils shall be paid to the Treasurers of such Councils respectively, and shall be applied to defray the Expenses of carrying this Act into execution in Manner following; that is to say, separate Accounts shall be kept of the Expenses of the General Council, and of those of the Branch Councils; and the Expenses of the General Council, including those of keeping, printing, and publishing the Register for the United Kingdom, shall be defrayed, under the Direction of the General Council, by means of an equal Per-centage Rate upon all Monies received by the several Branch Councils; Returns shall be made by the Treasurers of the respective Branch Councils, at such Times as the General Council shall direct, of all Monies received by them; and the necessary Per-centage having been computed by the General Council, the respective Contributions shall be paid by the Treasurers of such Branch Councils to the Treasurer or Treasurers of the General Council; and the Expenses of the Branch Councils shall be defrayed, under the Direction of those Councils,

Councils, respectively out of the Residue of the Monies so received as aforesaid.

Duty of Registrar to keep the Register correct.

XIV. It shall be the Duty of the Registrars to keep their respective Registers correct in accordance with the Provisions of this Act, and the Orders and Regulations of the General Council, and to erase the Names of all registered Persons who shall have died, and shall from Time to Time make the necessary Alterations in the Addresses or Qualifications of the Persons registered under this Act; and to enable the respective Registrars duly to fulfil the Duties imposed upon them it shall be lawful for the Registrar to write a Letter to any registered Person, addressed to him according to his Address on the Register, to inquire whether he has ceased to practise, or has changed his Residence, and if no Answer shall be returned to such Letter within the Period of a Month from the sending of the Letter it shall be lawful to erase the Name of such Person from the Register; provided always, that the same may be restored by Direction of the General Council should they think fit to make an Order to that Effect.

Clause A. Registration of Persons now qualified, and Persons hereafter qualified.

XV. Every Person now possessed and (subject to the Provisions herein-after contained) every Person hereafter becoming possessed of any One or more of the Qualifications described in the Schedule (A.) to this Act shall, on Payment of a Fee to be fixed by the General Council, be entitled to be registered on producing to the Registrar of the Branch Council for England, Scotland, or Ireland the Document conferring or evidencing the Qualification or each of the Qualifications in respect whereof he seeks to be so registered, or upon transmitting by Post to such Registrar Information of his Name and Address, and Evidence of the Qualification or Qualifications in respect whereof he seeks to be registered, and of the Time or Times at which the same was or were respectively obtained: Provided always, that it shall be lawful for the several Colleges and other Bodies mentioned in the said Schedule (A.) to transmit from Time to Time to the said Registrar Lists certified under their respective Seals of the several Persons who, in respect of Qualifications granted by such Colleges and Bodies respectively, are for the Time being entitled to be registered under this Act, stating the respective Qualifications and Places of Residence of such Persons; and it shall be lawful for the Registrar thereupon, and upon Payment of such Fee as aforesaid in respect of each Person to be registered, to enter in the Register the Persons mentioned in such Lists, with their Qualifications and Places of Residence as therein dated, without other Application in relation thereto.

CLAUSE B. Qualification required both in Medicine and Surgery.

XVI. No Person shall be entitled to be registered under this Act in respect of any Qualifications as aforesaid of which he shall have become possessed after the First Day of September One thousand eight hundred and fifty-eight, unless he shall prove to the Satisfaction of the Council that his Qualifications extend both to Medicine and Surgery.

CLAUSE C. Persons practising in England before 1st August 1815, entitled to be registered.

XVII. Any Person who was actually practising Medicine in England before the First Day of August One thousand eight hundred and fifteen shall, on Payment of a Fee to be fixed by the General Council, be entitled to be registered in producing to the Registrar of the Branch Council for England, Scotland or Ireland, a Declaration according to the Form in the Schedule (B.) to this Act signed by him, or upon transmitting to such Registrar Information of his Name and Address, and enclosing such Declaration as aforesaid.

CLAUSE D. Council may require Information as to Course of Study, &c., required for obtaining Qualifications.

XVIII. The several Colleges and Bodies in the United Kingdom mentioned in Schedule (A.) to this Act shall from Time to Time, when required by the General Council, furnish such Council with such Information as they may require as to the Courses of Study and Examinations to be gone through in order to obtain the respective Qualifications mentioned in Schedule (A.) to this Act, and the Ages at which such Courses of Study and Examination are required to be gone through, and such Qualifications are conferred, and generally as to the Requisites for obtaining such Qualifications; and any Member or Members of the General Council, or any Person or Persons deputed for this Purpose by such Council, or by any Branch Council, may attend and be present at any such Examinations.

CLAUSE E. Defects in the Course of Study or Examinations may be represented by the General Council to Her Majesty in Council.

XIX. In case it appear to the General Council that the Course of Study and Examinations to be gone through in order to obtain any such Qualification from any such College or Body are not such as to secure the Possession by Persons obtaining such Qualification of the requisite Knowledge and Skill for the efficient Practice of their Profession, it shall be lawful for such General Council to represent the same to Her Majesty in Council.

CLAUSE F. Her Majesty by Order in Council may suspend the Right of Registration in respect

XX. It shall be lawful for Her Majesty, with the Advice of Her Privy Council, upon any such Representation as aforesaid, if She see fit, to order that any Qualification granted by such College or Body, after such Time as may be mentioned in the Order, shall not confer any Right to be registered under this Act: Provided always, that

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it shall be lawful for Her Majesty, with the Advice of Her Privy Council, when it is made to appear to Her, upon further Representation from the General Council or otherwise, that such College or Body has made effectual Provision, to the Satisfaction of such General Council, for the Improvement of such Course of Study or Examinations, or the Mode of conducting such Examinations, to revoke any such Order.

of Qualifications granted by College or Body in default.

Provision for Revocation.

XXI. After the Time mentioned in this Behalf in any such Order in Council no Person shall be entitled to be registered under this Act in respect of any such Qualification as in such Order mentioned, granted by the College or Body to which such Order relates, after the Time therein mentioned, and the Revocation of any such Order shall not entitle any Person to be registered in respect of any Qualification granted before such Revocation.

CLAUSE G. Persons not to be registered in respect of Qualifications granted by the College or Body before the Revocation of the Order.

XXII. The Branch Councils for each Part of the United Kingdom shall, within Three Months after their First Meeting, appoint Examiners in England, Scotland, and Ireland respectively, subject to the Approval of the General Council at their next Meeting, to examine in general and preliminary Education, after a Scheme to be approved by the General Council, and such Examiners shall receive such Remuneration, to be paid out of the Funds of the Branch Council, as the Branch Councils shall respectively think fit, and shall hold Office for such Term as the Branch Councils shall determine, and no other Person than a Graduate in Arts in some University of the United Kingdom, or in some Foreign or Colonial University approved by the General Council, unless he shall have passed the Examinations for a Degree in Arts, or Examinations in some University of the United Kingdom that shall be deemed equivalent by the General Council, shall be entitled to be registered in respect to any of the Qualifications described in Schedule (A.), which he shall have obtained after the First Day of September One thousand eight hundred and fifty-eight, unless he shall have received a Certificate according to the Form in the Schedule (C.), signed by One or more of the said Examiners, for which Certificate the Person receiving it shall pay such Fee as the General Council shall appoint, and all Monies received in respect to such Fees shall be paid to the Treasurers of the Branch Councils.

CLAUSE H. Preliminary Examination in general Education.

XXIII. Where any Person entitled to be registered under this Act applies to the Registrar of any of the said Branch Councils for that Purpose, such Registrar shall forthwith enter in a Local Register to be kept by him for that Purpose the Name and Place of Residence,

As to Registration by Branch Registrars.

and the Qualification, or several Qualifications, in respect of which the Person is so entitled, and the Date of the Registration, and shall, in the Case of the Registrar of the Branch Council for Scotland, or Ireland, with all convenient Speed send to the Registrar of the General Council a Copy, certified under the Hand of the Registrar, of the Entry so made, and the Registrar of the General Council shall forthwith cause the same to be entered in the General Register; and such Registrar shall also forthwith cause all Entries made in the local Register for England to be entered in the General Register; and the Entry on the General Register shall bear Date from the Local Register.

Evidence of Qualification to be given before Registration.

XXIV. No Qualification shall be entered on the Register, either on the First Registration or by way of Addition to a registered Name, unless the Registrar be satisfied by the proper Evidence that the Person claiming is entitled to it; and any Appeal from the Decision of the Registrar may be decided by the General Council, or by the Council for England, Scotland, or Ireland (as the Case may be); and any Entry which shall be proved to the Satisfaction of such General Council or Branch Council to have been fraudulently or incorrectly made may be erased from the Register by Order in Writing of such General Council or Branch Council.

Register to be published.

XXV. The Registrar of the General Council shall in every Year cause to be printed, published, and sold, under the Direction of such Council, a correct Register of the Names in alphabetical Order according to the Surnames, with the respective Residences, and Medical Titles, Diplomas, and Qualifications conferred by any Corporation or University, with the Dates thereof, of all Persons appearing on the General Register as existing on the First Day of January in every Year; and such Register shall be called "The Medical Register;" and a Copy of the Medical Register for the Time being, purporting to be so printed and published as aforesaid, shall be Evidence in all Courts and before all Justices of the Peace and others that the Persons therein specified are registered according to the Provisions of this Act; and the Absence of the Name of any Person from such Copy shall be Evidence, until the contrary be made to appear, that such Person is not registered according to the Provisions of this Act: Provided always, that in the Case of any Person whose Name does not appear in such Copy, a certified Copy under the Hand of the Registrar of the General Council or of any Branch Council, of the Entry of the Name of such Person on the General or Local Register shall be Evidence that such Person is registered under the Provisions of this Act.

XXVI. If

Names struck off from List of College or Faculty.

XXVI. If any of the said Colleges or the said Faculty at any Time exercise any Power they possess by Law of striking off from the List of such College or Faculty the Name of any one of their Members, such College or Faculty shall signify to the General Council the Name of the Member so struck off; and the General Council may if they see fit direct the Registrar to erase forthwith from the Register the Qualification derived from such College or Faculty in respect of which such Member was registered, and the Registrar shall note the same therein.

Medical Practitioners convicted of Felony may be struck off the Register.

XXVII. If any registered Medical Practitioner shall be convicted in England or Ireland of any Felony or Misdemeanor, or in Scotland of any Crime or Offence, or shall after due Inquiry be judged by the General Council to have been guilty of infamous Conduct in any professional respect, the General Council may, if they see fit, direct the Registrar to erase the Name of such Medical Practitioner from the Register.

Registered Persons may have subsequent Qualifications inserted in the Register.

XXVIII. Every Person registered under this Act who may have obtained any higher Degree or any Qualification other than the Qualification in respect of which he may have been registered, shall be entitled to have such higher Degree or additional Qualification inserted in the Register in substitution for or in addition to the Qualification previously registered, on Payment of such Fee as the Council may appoint.

Privileges of registered Persons.

XXIX. Every Person registered under this Act shall be entitled according to his Qualification or Qualifications to practise Medicine or Surgery, or Medicine and Surgery, as the Case may be, in any Part of Her Majesty's Dominions, and to demand and recover in any Court of Law, with full Costs of Suit, reasonable Charges for professional Aid, Advice, and Visits, and the Cost of any Medicines or other Medical or Surgical Appliances rendered or supplied by him to his Patients.

None but registered Persons to recover Charges.

XXX. After the First Day of January One thousand eight hundred and fifty-nine, no Person shall be entitled to recover any Charge in any Court of Law for any Medical or Surgical Advice, Attendance, or for the Performance of any Operation, or for any Medicine which he shall have both prescribed and supplied, unless he shall prove upon the Trial that he is registered under this Act.

Meaning of legally qualified Medical Practitioner.

XXXI. After the First Day of January One thousand eight hundred and fifty-nine, the Word "legally qualified Medical Prac- "titioner" or "duly qualified Medical Practitioner," or any Words importing a Person recognized by Law as a Medical Practitioner or

Member of the Medical Profession, when used in any Act of Parliament, shall be construed to mean a Person registered under this Act.

Registered Persons exempted from serving on Juries, &c.

XXXII. Every Person who shall be registered under the Provisions of this Act shall be exempt, if he shall so desire, from serving on all Juries and Inquests whatsoever, and from serving all Corporate, Parochial, Ward, Hundred, and Township Offices, and from serving in the Militia, and the Name of such Person shall not be returned in any List of Persons liable to serve in the Militia, or in any such Office as aforesaid.

Unregistered Persons not to hold certain Appointments.

XXXIII. After the First Day of January One thousand eight hundred and fifty-nine, no Person shall hold any Appointment as a Physician, Surgeon, or other Medical Officer either in the Military or Naval Service, or in Emigrant or other Vessels, or in any Hospital, Infirmary, Dispensary, or Lying-in Hospital, not supported wholly by voluntary Contributions, or in any Lunatic Asylum, Gaol, Penitentiary, House of Correction, House of Industry, Parochial or Union Workhouse or Poorhouse, Parish Union, or other public Establishment, Body, or Institution, or to any Friendly or other Society for affording mutual Relief in Sickness, Infirmity, or old Age, or as a Medical Officer of Health, unless he be registered under this Act.

No Certificate to be valid unless Person signing be registered.

XXXIV. After the First Day of January One thousand eight hundred and fifty nine, no Certificate required by any Act now in force, or that may hereafter be passed from any Physician, Surgeon, Licentiate in Medicine and Surgery, or other Medical Practitioner, shall be valid unless the Person signing the same be registered under this Act.

Wilful Falsification of Register.

XXXV. Any Registrar who shall wilfully make or cause to be made any Falsification in any Matters relating to the Register shall be deemed guilty of a Misdemeanor in England or Ireland, and in Scotland of a Crime or Offence punishable by Fine or Imprisonment, and shall, on Conviction thereof, be imprisoned for any Term not exceeding Twelve Months.

Penalty for obtaining Registration by false Representations.

XXXVI. If any Person shall wilfully procure or attempt to procure himself to be registered under this Act, by making or producing or causing to be made or produced any false or fraudulent Representation or Declaration, either verbally or in Writing, every such Person so offending, and every Person aiding and assisting him therein, shall be deemed guilty of a Misdemeanor in England and Ireland, and in Scotland of a Crime or Offence punishable by Fine or Imprisonment, and shall, on Conviction thereof, be sentenced to be imprisoned for any Term not exceeding Twelve Months.

XXXVII. Any

XXXVII. Any Person who shall wilfully and falsely pretend to be or take or use the Name or Title of a Physician, Doctor of Medicine, Licentiate in Medicine and Surgery, Bachelor of Medicine, Surgeon, General Practitioner or Apothecary, or any Name, Title, Addition, or Description implying that he is registered under this Act, or that he is recognized by Law as a Physician, or Surgeon, or Licentiate in Medicine and Surgery, or a Practitioner in Medicine, or an Apothecary, shall, upon a summary Conviction for any such Offence, pay a Sum not exceeding Twenty Pounds nor less than Five Pounds. Penalty for falsely pretending to be a registered Person.

XXXVIII. Any Penalty to which under this Act any Person is liable on summary Conviction of any Offence, may be recovered as follows; (that is to say,) in England, in manner directed by the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three, and in Ireland in manner directed by "The Petty Sessions (Ireland) Act, 1851," or any other Act for the Time being in force in England and Ireland respectively for the like Purposes; and any such Penalty may in Scotland be recovered by the Procurates Fiscal of the County, or by any other Person before the Sheriff or Two Justices, who may proceed in a summary Way and grant Warrant for bringing the Party complained against before him or them, or issue an Order requiring such Party to appear on a Day and at a Time and Place to be named in such Order, and every such Order shall be served on the Party by delivering to him in Person or by leaving at his usual Place of Abode a Copy of such Order and of the Complaint whereupon the same has proceeded, and upon the Appearance or Default to appear of the Party, it shall be lawful for the Sheriff or Justices to proceed to the hearing of the Complaint, and upon Proof on Oath or Confession of the Offence, the Sheriff or Justices shall without any written Pleadings or Record of Evidence commit the Offender and decern him to pay the Penalty named as well as such Expenses as the Sheriff or Justices shall think fit, and failing Payment shall grant Warrant for Recovery thereof by Poinding and Imprisonment, such Imprisonment to be for such Period as the Discretion of the Sheriff or Justices may direct, not exceeding Three Calendar Months, and to cease on Payment of the Penalty and Expenses. Recovery of Penalties.

XXXIX. Any Sum or Sums of Money arising from Conviction and Recovery of Penalties as aforesaid shall be paid to the Treasurer of the General Council. Application of Penalties.

XL. All Monies received by any Treasurer arising from Fees to be paid on Registration, from the Sale of Registers, from Penalties, or otherwise, shall be applied for Expenses of Registration and of the Execution of this Act. Application of Monies received by Treasurer.

Advance of Monies by the Commissioners of Her Majesty's Treasury.

XLI. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to advance and pay, out of such Monies as may be provided by Parliament for this Purpose, such Monies as may be required for the Expenses incurred by or under the Authority of the General Council and Branch Councils in the Execution of this Act in the meantime, until sufficient Money for that Purpose shall be received from the Fees payable under this Act

Accounts to be published.

XLII. The Treasurers of the General and Branch Councils shall enter in Books to be kept for that Purpose a true Account of all Sums of Money by them received and paid, and such Accounts shall be submitted by them to the respective General Council and Branch Councils at such Times as the Councils shall require; and the said Accounts shall be published annually, and such Accounts shall be laid before both Houses in the Month of March in every Year, if Parliament be sitting, or, if Parliament be not sitting, then within One Month after the next Meeting of Parliament.

Notice of Death of Medical Practitioners to be given by Registrars.

XLIII. Every Registrar of Deaths in the United Kingdom on receiving Notice of the Death of any Medical Practitioner shall forthwith transmit by Post to the Registrar of the General Council and to the Registrar of the Branch Council a Certificate under his own Hand of such Death, with the Particulars of Time and Place of Death, and may charge the Cost of such Certificate and Transmission as an Expense of his Office, and on the Receipt of such Certificate the Medical Registrar shall erase the Name of such deceased Medical Practitioner from the Register.

Provision for Persons practising in the Colonies and elsewhere, and for Students.

XLIV. It shall be lawful for the General Council by Special Orders to dispense with such Provisions of this Act or with such Part of any Regulations made by its Authority as to them shall seem fit, in favour of Persons now practising Medicine or Surgery in any Part of Her Majesty's Dominions other than Great Britain and Ireland by virtue of any of the Qualifications described in Schedule (A.); and also in favour of Persons practising Medicine or Surgery within the United Kingdom on foreign or colonial Diplomas or Degrees before the passing of this Act; and also in favour of any Persons now acting as Surgeons or Assistant Surgeons in the Army, Navy, or Militia, or in the Service of the East India Company, or in the public Service, or in the Service of any Charitable Institutions, and also, so far as to the Council shall seem expedient, in favour of Medical Students who shall have commenced their professional Studies before the passing of this Act.

New Charter may be

XLV. It shall be lawful for Her Majesty to grant to the Corporation of the Royal College of Physicians of London a new Charter,

Charter, and thereby to give to such Corporation the Name of "The Royal College of Physicians of England," and to make such Alterations in the Constitution of the same Corporation as to Her Majesty may seem expedient; and it shall be lawful for the said Corporation to accept such Charter under their Common Seal, and such Acceptance shall operate as a Surrender of all Charters heretofore granted to the said Corporation, except the Charter granted by King Henry the Eighth, and shall also operate as a Surrender of such Charter and of any Rights, Powers, or Privileges conferred by or enjoyed under an Act of the Session holden in the Fourteenth and Fifteenth Years of King Henry the Eighth, Chapter Five, confirming the same as far as such Charter and Act respectively may be inconsistent with such new Charter.

granted to the College of Physicians of London.

XLVI. It shall be lawful for Her Majesty to grant to the Corporation of the Royal College of Physicians of Edinburgh a new Charter, and thereby to give to the said College of Physicians the Name of "The Royal College of Physicians of Scotland," and it shall be lawful for the said Royal College of Physicians, under their Common Seal, to accept such new Charter, and such Acceptance shall operate as a Surrender of all Charters heretofore granted to the said Corporation.

New Charter may be granted to College of Physicians of Edinburgh.

XLVII. If at any future Period the Royal College of Surgeons of Edinburgh and Faculty of Physicians and Surgeons of Glasgow agree to amalgamate, so as to form One united Corporation, under the Name of "The Royal College of Surgeons of Scotland," it shall be lawful for Her Majesty to grant, and for such College and Faculty, under their respective Common Seals, to accept, such new Charter or Charters as may be necessary for effecting such Union, and such Acceptance shall operate as a Surrender of all Charters heretofore granted to such College and Faculty; and in the event of such Union it shall be competent for the said College and Faculty to make such Arrangements as to the Time and Place of their Examinations as they may agree upon, these Arrangements being in conformity with the Provisions of this Act, and subject to the Approval of the General Council.

The Faculty at Glasgow may be amalgamated.

XLVIII. It shall be lawful for Her Majesty to grant to the Corporation of the King and Queen's College of Physicians in Ireland a new Charter, and thereby to give to such Corporation the Name of "The Royal College of Physicians of Ireland," and to make such Alterations in the Constitution of the said Corporation as to Her Majesty may seem expedient; and it shall be lawful for the said Corporation to accept such Charter under their Common Seal, and

New Charter may be granted to the King and Queen's College of Physicians in Ireland.

such Acceptance shall operate as a Surrender of the Charter granted by King William and Queen Mary, so far as it may be inconsistent with such new Charter.

Charters not to contain new Restrictions in the Practice of Medicine or Surgery.

XLIX. Provided always, That nothing herein contained shall extend to authorize Her Majesty to create any new Restriction in the Practice of Medicine or Surgery, or to grant to any of the said Corporations any Powers or Privileges contrary to the Common Law of the Land or to the Provisions of this Act, and that no such new Charter shall in anywise prejudice, affect, or annul any of the existing Statutes or Byelaws of the Corporations to which the same shall be granted, further than shall be necessary for giving full Effect to the Alterations which shall be intended to be effected by such new Charters and by this Act in the Constitution of such Corporation.

Pharmacopœia.

L. The General Council shall cause to be published under their Direction and Authority a Book containing a List of Medicines and Compounds, and the Manner of preparing them, together with the true Weights and Measures by which they are to be prepared and mixed, and containing such other Matter and Things relating thereto as the General Council shall think fit, to be called "British Pharmacopœia;" and the General Council shall cause to be altered, amended, and republished such Pharmacopœia as often as they shall deem it necessary.

Chemists, &c. not to be affected.

LI. Nothing in this Act contained shall extend or be construed to extend to prejudice or in any way to affect the lawful Occupation, Trade, or Business of Chemists and Druggists, or the Rights, Privileges, or Employment of duly licensed Apothecaries in Ireland, so far as the same extend to selling, compounding, or dispensing Medicines.

SCHE-

SCHEDULE (A.)

1. Fellow, Licentiate, or Extra Licentiate of the Royal College of Physicians of London.
2. Fellow or Licentiate of the Royal College of Physicians of Edinburgh.
3. Fellow or Licentiate of the King's and Queen's College of Physicians of Ireland.
4. Fellow or Member of the Royal College of Surgeons of England.
5. Fellow or Licentiate of the Royal College of Surgeons of Edinburgh.
6. Fellow or Licentiate of the Faculty of Physicians and Surgeons of Glasgow.
7. Fellow or Licentiate of the Royal College of Surgeons in Ireland.
8. Licentiate of the Society of Apothecaries, London
9. Licentiate of the Apothecaries Hall, Dublin.
10. Doctor, or Bachelor, or Licentiate of Medicine, or Master in Surgery of any University of the United Kingdom; or Doctor of Medicine by Doctorate of the Archbishop of Canterbury.
11. Doctor of Medicine of any Foreign or Colonial University, practising as a Physician in the United Kingdom before the First Day of December 1858, who shall produce Certificates to the Satisfaction of the Council of his having taken his Degree of Doctor of Medicine after regular Examination.

SCHEDULE (B.)

DECLARATION required of a Person who claims to be registered as a Medical Practitioner, upon the Ground that he was in practice as a Medical Practitioner in England or Wales before the First Day of August 1815:

To the Registrar of the Medical Council.

I, residing at in the County of hereby declare that I was practising as a Medical Practitioner at in the County of before the *First Day of August 1815.*

(Signed) [*Name.*]

Dated this Day of 185 .

SCHEDULE (C.)

CERTIFICATE of Approval from Examiners in General Education.

This is to certify, That [*Name of Candidate examined*] has been carefully examined by us, the Examiners in [*England*] in General Education, after the Scheme approved of by the Medical Council, and has passed such Examination to our Satisfaction.

(Signed) [*Name of Examiner or Examiners.*]

Dated

Medical Practitioners.

A

BILL

[AS AMENDED IN COMMITTEE]

To regulate the Qualifications of Practitioners in Medicine and Surgery.

(*Prepared and brought in by Mr. Cowper, Mr. Kinnaird, and Mr. Brady.*)

Ordered, by The House of Commons, *to be Printed,*
22 *June* 1858.

[Bill 152.]

Under 2 oz.

A

BILL

TO

Alter and amend the Laws regulating the Medical Profession.

WHEREAS it is expedient to amend the Laws relating to the Medical Profession: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may for all Purposes be cited as "The Medical Act, 1858." Short Title.

II. From and after the *passing of this Act* the several Acts and Parts of Acts set forth in the Schedule (A.), to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, shall be repealed, except as to the Recovery and Application of any Penalty for any Offence which shall have been committed before the passing of this Act. Repeal of Acts.

Council of Medical Education established.

III. A Council shall be established, which shall be styled "The "Council of Medical Education of the United Kingdom," and shall consist of the President for the Time being of the General Board of Health, and such *Twelve* other Persons as Her Majesty, with the Advice of Her Privy Council, may appoint, of whom not less than *Nine* shall be appointed from among Persons qualified to be registered under this Act, not less than *Two* of them being Persons so qualified who are resident in Scotland, and not less than *Two* of them being Persons so qualified who are resident in Ireland.

Of the Persons to be so appointed by Her Majesty, *Three* shall be so appointed for the Term of *Four* Years, *Three* for a Term of *Five* Years, *Three* for a Term of *Six* Years, and the remaining *Three* for a Term of *Seven* Years.

The said Council of Medical Education is herein-after referred to as "The Council."

Appointments to supply Vacancies, and Term of Office of Persons so appointed.

IV. Upon every Vacancy among the Members of the Council appointed by Her Majesty under this Act, Her Majesty may, with the Advice of Her Privy Council, appoint a Person to fill such Vacancy.

Any Person going out of Office may be re-appointed.

Every Appointment on any such Vacancy shall be so made as to keep up the whole Number of Members of the Council qualified as aforesaid to not less than *Nine*, and the Number of such qualified Members resident in Scotland and Ireland respectively to not less than *Two*.

Every Member appointed by Her Majesty to fill a Vacancy occasioned by the Expiration of the Term of Office shall be appointed for the Term of *Four* Years, and every Member appointed to supply the Place of a Member whose Office has become void otherwise than by the Expiration of his Term of Office shall be appointed for the Remainder of the Term of Office of such last-mentioned Member.

The Council may act notwithstanding Vacancies therein.

Meetings of the Council.

V. The Council shall hold Meetings from Time to Time, at such Place and Time as the President of the General Board of Health shall appoint, and all Powers and Duties vested in the Council may be exercised and performed at any such Meeting at which not less than *Five* Members are present.

Quorum.

Chairman.

VI. The said President shall be the Chairman, and shall from Time to Time nominate One of the other Members to be the Vice-Chairman of the Council, who shall act as Chairman in the Absence of such President; provided, that at any Meeting of the Council at which neither

neither the Chairman nor the Vice-Chairman is present, the Members present shall elect out of their Number a Chairman for the Occasion.

Questions how determined.

VII. At every Meeting of the Council all Questions shall be determined by the Majority of Votes of Members present and voting thereon, and in case of an Equality of Votes the Chairman shall have a Second or Casting Vote.

Fees to Members of Council.

VIII. There shall be paid to the Members of the Council, except the President of the General Board of Health, such Remuneration and such reasonable travelling Expenses as shall from Time to Time be appointed or allowed by the Commissioners of Her Majesty's Treasury, out of any Moneys which may from Time to Time be provided by Parliament for that Purpose.

Committees may be appointed by Council.

IX. The Council shall have Power to appoint Committees of their own Body of such Number, not less than *Three*, as they may think fit, and to delegate to such Committee, either generally or in relation to any specified Part of the United Kingdom, such of the Powers and Duties vested in the Council as the Council may see fit, other than the Powers to make general Rules and Regulations as to the Course of Study or Examination; and any *Two* of the Members of any such Committee shall be competent to exercise and perform the Powers and Duties delegated to such Committee.

Members of Council resident in Scotland and Ireland to be Members of Committees for those Parts.

X. The Members of the Council resident in Scotland shall be appointed Members of every such Committee appointed for or in relation to Scotland, and the Members of such Council resident in Ireland shall be appointed Members of every such Committee appointed for or in relation to Ireland.

Boards of Examiners.

XI. For the Examination of Persons desirous of entering the Medical Profession after the *First Day of December One thousand eight hundred and fifty-eight*, there shall be established in England, Scotland, and Ireland respectively, Two Boards of Examiners, hereinafter called respectively the "Preliminary Board" and the "Professional Board."

Examiners in preliminary and professional Education.

The Preliminary Board shall be established for the preliminary Examination in general Education, and shall consist of such Persons as the Council may from Time to Time appoint, and the Examiners so appointed shall hold Office during the Pleasure of the Council, and receive such Remuneration as the Council shall direct; and no Person other than a Graduate in Arts of some University of the United Kingdom, or of some Foreign University approved by the Council, shall be entitled to present himself

himself for Examination before the Professional Board, unless he shall have received from the Preliminary Board a Certificate of Approval in such Form as the Council may direct, for which Certificate the Person receiving it shall pay such Fee as the Council shall appoint, not exceeding *Five Pounds.*

The Professional Board shall be established for the Examination in professional Education, and shall consist of Examiners appointed as herein-after mentioned; that is to say,

Bodies to appoint such Examiners.

The Board for England of Examiners to be appointed by the College of Physicians of London and by the College of Surgeons of England, and until the Year *One thousand eight hundred and sixty-five* by the Society of Apothecaries of London respectively; and of Examiners to be appointed by the Universities of Oxford, Cambridge, and London respectively.

The Board for Scotland of Examiners to be appointed by the College of Physicians of Edinburgh, by the College of Surgeons of Edinburgh, and by the Faculty of Physicians and Surgeons of Glasgow respectively; and of Examiners to be appointed by the Universities of Edinburgh and Glasgow respectively, and by the Two Universities of Aberdeen conjointly.

The Board for Ireland of Examiners to be appointed by the College of Physicians of Ireland, by the College of Surgeons of Ireland, and until the Year *One thousand eight hundred and sixty-five* by the Governor and Company of the Apothecaries Hall of Dublin respectively; and of Examiners to be appointed by the University of Dublin and by the Queen's University respectively.

Any Person who shall have passed the Examination of the Professional Board to the Satisfaction of the Council shall be entitled to a Certificate of his Qualification to practise in such Form as the Council may direct, for which Certificate the Person receiving it shall pay such Fee as the Council shall from Time to Time appoint, not exceeding *Twenty-five Pounds;* and all Moneys so received by any of the said Boards under the Provisions of this Section shall be paid to the Treasurer of the Council.

Number of Examiners are to be determined by the Council.

XII. The Council shall determine the total Number of Examiners to constitute the Professional Board for each Part of the United Kingdom, and may from Time to Time alter any such total Number, and shall determine and may from Time to Time alter the Proportions in which the several appointing Bodies in the last Section preceding mentioned shall appoint the Examiners constituting any such Board, and the Branches of Science and Practice for which such several Bodies shall appoint.

XIII. The

Council to make Rules concerning Examinations.

XIII. The Council shall make from Time to Time such Rules as they think fit, as to the Age and Times at which Candidates shall be admissible to the respective Examinations under this Act, and as to the Subjects or Branches of Education, Science, and Practice in relation to which such Examinations shall be had, and as to the Degrees of Proficiency, and the Certificates of Character which they shall be required to produce, which Candidates shall be required to have attained in order to be entitled to Certificates from the respective Boards of Examiners, and as to the Course of Study which Candidates shall be required to have pursued previous to Admission to the professional Examination, and as to the Time, Place, and Manner of holding such respective Examinations, and as to such other Matters as are placed under the Direction of the Council by this Act; and all Rules to be made by the Council under this Act shall be laid before both Houses of Parliament within *One Month* after the making thereof, if Parliament be sitting, or if Parliament be not sitting, then within *One Month* after the next Meeting of Parliament.

Appointments annual, if omitted, to be made by the Council.

XIV. The several Examiners shall be appointed in each Year at such Time as the Council shall direct, casual Vacancies shall be filled up by the Bodies having the Right of Appointment with all convenient Speed after the happening thereof, and every Examiner, whether appointed at the yearly Appointment or to supply a casual Vacancy, shall go out of Office at the next yearly Time of Appointment, but may be re-appointed: Provided always, that if at any Time any of the above-mentioned Bodies decline to appoint Examiners or fail to make such Appointment as aforesaid within a Period of *One Month* from the Time at which they are directed to make it, or from the Time at which any such casual Vacancy shall occur, the Council may appoint Examiners instead of those so omitted to be appointed, and the Examiners so appointed by the Council shall receive such Remuneration as the Council shall direct.

List of Examiners to be furnished.

XV. The Bodies having Right of Appointment shall furnish to the Council within a Week of the Appointment of Examiners a List of the Examiners so appointed, and no Appointment of an Examiner shall be valid unless it be so notified to the Council.

Council may be present at Examinations.

XVI. The Members of the Council and any Person deputed by the Council, and any one registered under this Act, shall have free Access to all Examinations conducted by the Professional Boards.

New Charter may be granted to the College of Physicians of London.

XVII. It shall be lawful for Her Majesty to grant to the Corporation of the Royal College of Physicians of London a new Charter, and thereby to give to such Corporation the Name of "The Royal College of Physicians of England," and to make such Alteration in the

the Constitution of the said Corporation as to Her Majesty may seem expedient; and it shall be lawful for the said Corporation to accept such Charter under their Common Seal, and such Acceptance shall operate as a Surrender of all Charters heretofore granted to the said Corporation, except the Charter granted by King Henry the Eighth, and shall also operate as a Surrender of such Charter and as a Repeal of the Act of the Session holden in the Fourteenth and Fifteenth Years of King Henry the Eighth, Chapter Five, confirming the same so far as such Charter and Act respectively may be inconsistent with such new Charter.

New Charters may be granted to Colleges of Physicians and Surgeons of Edinburgh, so as to include the Faculty of Physicians and Surgeons of Glasgow.

XVIII. It shall be lawful for Her Majesty to grant to the respective Corporations of the Royal College of Physicians of Edinburgh and the Royal College of Surgeons of Edinburgh new Charters, and thereby to give to the said College of Physicians the Name of "The Royal College of Physicians of Scotland," and to the said College of Surgeons the Name of "The Royal College of Surgeons of Scotland," and to make such Alterations in the Constitution of the said Corporations as to Her Majesty may seem expedient, such new Charters to constitute or provide for constituting every Member of the Corporation of the Faculty of Physicians and Surgeons of Glasgow a Member either of such College of Physicians of Scotland or of such College of Surgeons of Scotland, with the same Rights, Privileges, and Advantages as shall be given to Members of the said College of Physicians and Surgeons of Edinburgh respectively; and it shall be lawful for the said Colleges and Faculty respectively, under their respective Common Seals, to accept such new Charters, and such Acceptance shall operate as a Surrender of all Charters heretofore granted to the said several Corporations, and thenceforth the Examiners who would have been appointed from Time to Time under this Act by the Faculty of Physicians and Surgeons of Glasgow shall be appointed in equal Proportions by the said College of Physicians of Scotland and College of Surgeons of Scotland.

Charters not to contain Restrictions in the Practice of Physic or Surgery.

XIX. Provided always, That nothing herein contained shall extend to authorize Her Majesty to create any Restriction in the Practice of Physic or Surgery, or to grant to any of the said Corporations any Powers or Privileges contrary to the common Law of the Land, or to the Provisions of this Act, and that no such new Charter shall in anywise prejudice, affect, or annul any of the existing Statutes or Byelaws of the Corporations to which the same shall be granted further than shall be necessary for giving full Effect to the Alterations which shall be intended to be effected by such new Charters and by this Act to the Constitution of such Corporation.

Appointment of Registrar,

XX. The President of the Board of Health shall from Time to Time appoint from among Persons qualified to be registered under this

this Act, a Medical Registrar for the United Kingdom, and One Assistant Medical Registrar for Scotland, and One Assistant Medical Registrar for Ireland, and also shall appoint a Treasurer, and such Clerks and other Officers as the said President of the Board of Health may deem necessary, and may from Time to Time remove any Registrar or other Person so appointed; and the Salaries of the said Registrar, Assistant Registrars, Clerks, and other Officers shall be fixed from Time to Time by the said President of the Board of Health, with the Approval of the Commissioners of Her Majesty's Treasury, and shall be paid, together with all reasonable Expenses incurred by the Medical Registrar in the Execution of his Duties under this Act, out of any Moneys which may from Time to Time be provided by Parliament for that Purpose.

Assistant Registrars, and other Officers.

XXI. The said Registrar shall keep a General Register of Medical Practitioners, in which shall be entered the Name and Place of Residence and Date of Registration of every registered Person, and the Qualification or Qualifications in respect whereof he is registered, the Name and Situation of the Body, University, or College from which the Qualification is derived; and such other Particulars in relation to such Qualification or Qualifications as the Council by their Rules shall from Time to Time direct; and upon Notice being given by any registered Person of any Change in his Name and Designation or Place of Residence, the said Registrar shall amend the Register accordingly.

Registrar to keep an alphabetical Register of Medical Practitioners.

XXII. Every Person who before the *First Day of December One thousand eight hundred and fifty-eight* is possessed of any one or more of the Qualifications described in the Schedule (B.) shall be entitled to be registered according to his Qualification or Qualifications, on producing, before the *First Day of January One thousand eight hundred and fifty-nine* to the Medical Registrar, or to the Assistant Medical Registrars in Scotland or Ireland, the Document conferring or evidencing the Qualification or each of the Qualifications in respect whereof he seeks to be so registered; or if he be a Person who was actually practising Medicine in England and Wales prior to the *First Day of August One thousand eight hundred and fifteen*, on signing a Declaration according to the Form in Schedule (C.), or upon transmitting, before the said *First Day of January One thousand eight hundred and fifty-nine*, by Post, to the Medical Registrar or One of such Assistant Medical Registrars Information of his Name and Address, and of the Qualification or Qualifications, including such Declaration as aforesaid, in respect whereof he seeks to be registered, and of the Time or Times at which the same was or were respectively obtained: Provided always, that it shall be lawful for the several Colleges and

Registration of Persons in Practice before the 1st December 1858.

other Bodies mentioned in the said Schedule (B.) to transmit to the said Registrar before the said *First Day of January One thousand eight hundred and fifty-nine* Lists certified under their respective Seals of the several Persons who, in respect of Qualifications granted by such Colleges and Bodies respectively before the said *First Day of December One thousand eight hundred and fifty-eight* are entitled to be registered under this Act, stating the respective Qualifications and Places of Residence of such Persons; and it shall be lawful for the Registrar thereupon to enter on the Register the Persons mentioned in such Lists, with their Qualifications and Places of Residence as therein stated, without other Application in relation thereto; provided also, that any Person possessed before the said *First Day of December One thousand eight hundred and fifty-eight* of any such Qualification as aforesaid, who does not make Application as aforesaid to be registered before the *First Day of January One thousand eight hundred and fifty-nine*, and who has not been included in any List transmitted as aforesaid, shall upon such Production or Transmission by him as herein-before mentioned be entitled, upon Payment of a Sum of *Two Pounds*, to be registered according to his Qualification or Qualifications.

As to Registration by Assistant Registrars.

XXIII. Where any Person entitled to be registered under this Act applies to either of the Assistant Medical Registrars for that Purpose, such Assistant Registrar shall forthwith enter in a Local Register to be kept by him for that Purpose the like Particulars in relation to such Persons as are herein-before required to be entered in the General Register, and shall with all convenient Speed send to the Medical Registrar a Copy, certified under the Hand of such Assistant Registrar, of the Entry so made, and the Medical Registrar shall forthwith cause the same to be entered in the General Register; and the Entry on the General Register shall bear Date from the Local Register.

Evidence of Qualification to be given before Registration.

XXIV. No Qualification shall be entered on the Register, either on the First Registration or by way of Addition to a registered Name, unless the Medical Registrar or the Assistant Medical Registrar, as the Case may be, be satisfied by the proper Evidence that the Person claiming is entitled to it; and any Appeal from the Decision of the Registrar or Assistant Registrar may be decided by the Council, or by the several Committees of the Council appointed to act for this Purpose in England, Scotland, and Ireland respectively; and any Entry which shall be proved to the Satisfaction of such Council or Committees of the Council to have been fraudulently or incorrectly made, may be erased from the Register by Order in Writing of such Council or Committees of the Council.

XXV. The

Register to be published.

XXV. The Registrar shall in every Year cause to be printed, published, and sold, under the Direction of the Council, a correct Register, in Alphabetical Order according to the Surnames in the Form in Schedule (D.), of the Names, Places of Residence, and other Particulars herein-before required of all Persons appearing on the General Register as existing on the *First Day of January* in every Year; and such Register shall be called "The Medical Register;" and a Copy of the Medical Register for the Time being, purporting to be so printed and published as aforesaid, shall be Evidence in all Courts and before all Justices of the Peace and others that the Persons therein specified are registered according to the Provisions of this Act; and the Absence of the Name of any Person from such Copy shall be Evidence, until the contrary be made to appear, that such Person is not registered according to the Provisions of this Act: Provided always, that in the Case of any Person whose Name does not appear in such Copy, a certified Copy under the Hand of the Medical or Assistant Medical Registrar of the Entry of the Name of such Person on the General or Local Register shall be Evidence that such Person is registered under the Provisions of this Act.

Certificate from Medical Examiners to entitle to Registration as a "Licentiate in Medicine and Surgery."

XXVI. Every Person who shall receive a Certificate of his Qualification to practise under the Provisions of this Act shall be entitled to be registered in the Register of Medical Practitioners as a "Licentiate in Medicine and Surgery," upon the Production of such Certificate to the Medical Registrar or to One of the said Assistant Medical Registrars.

Rights of Persons registered under Qualifications existing before 1st December 1858.

XXVII. Every Person registered in respect of any Qualification possessed by him before the *First Day of December One thousand eight hundred and fifty-eight* shall be entitled in every Part of the United Kingdom to practise according to the Nature of his Qualification.

Right of Licentiate in Medicine and Surgery.

XXVIII. Every Person registered as a Licentiate in Medicine and Surgery shall have the Right to practise in Medicine, Surgery, Midwifery, and Pharmacy in every Part of the United Kingdom.

Right of existing Practitioners to be registered as Licentiates in Medicine and Surgery in certain Cases.

XXIX. Every Person entitled to be registered in respect of any Qualification as a Surgeon existing on or before the *First Day of December One thousand eight hundred and fifty-eight*, and also to be registered in respect of any Qualification then existing as an Apothecary, may, if he think fit, require to be registered as a Licentiate in Medicine and Surgery.

Right conferred by Complementary Examination.

XXX. Every Person who before the *First Day of December One thousand eight hundred and fifty-eight* shall have been registered in

respect of One only of such Qualifications in the last preceding Section mentioned, and who shall have subsequently passed such Complementary Examination as the Council shall direct before any Professional Board, and have obtained such Complementary Certificate as the Council shall direct, for which he shall pay such Fee as the Council shall determine, not exceeding *Twelve Pounds*, shall be entitled to alter his Qualification in the Register to that of Licentiate in Medicine and Surgery.

Names struck off from List of College to be erased from Register.

XXXI. If any of the said Colleges or the said Faculty at any Time exercise any Power they possess by Law of striking off from the List of such College or Faculty the Name of any one of their Members, such College or Faculty shall signify to the Medical Registrar the Name of the Member so struck off; and the Medical Registrar shall erase forthwith from the Register the Qualification derived from such College or Faculty in respect of which such Member was registered, and the Registrar shall note the same therein.

Medical Practitioners convicted of Felony may be struck off the Register.

XXXII. If any registered Medical Practitioner shall be convicted in England or Ireland of any Felony or Misdemeanor, or in Scotland of any Crime or Offence, the Council may, if they see fit, direct the Registrar to erase the Name of such Medical Practitioner from the Register.

No Right to Registration except such as conferred by this Act.

XXXIII. No Person not possessed before the said *First Day of December One thousand eight hundred and fifty-eight* of One or more of the Qualifications mentioned in Schedule (B.) shall be entitled to be registered under this Act unless he shall produce the Certificate herein-before required to entitle him to be registered under this Act as a Licentiate in Medicine and Surgery.

Registered Persons may have subsequent Qualifications inserted in the Register.

XXXIV. Every Person registered under this Act who may at any Time have obtained the Degree of Bachelor of Medicine or Doctor of Medicine in any University of the United Kingdom, or become a Fellow or Licentiate of a College of Physicians of the United Kingdom, or a Fellow of a College of Surgeons of the United Kingdom, or a Fellow of the Faculty of Physicians and Surgeons of Glasgow, shall be entitled to have such additional Qualification inserted in the Register.

Unregistered Persons not to hold certain Appointments.

XXXV. After the *First Day of January One thousand eight hundred and fifty-nine*, no Person shall hold any Appointment as a Physician, Surgeon, or other Medical Officer either in the Military or Naval Service, or in Emigrant or other Vessels, or in any Hospital, Infirmary,

Infirmary, Dispensary, or Lying-in Hospital, not supported wholly by voluntary Contributions, or in any Lunatic Asylum, Gaol, Penitentiary, House of Correction, House of Industry, Parochial or Union Workhouse or Poorhouse, Parish Union, or other public Establishment, Body, or Institution, or to any Friendly or other Society for affording mutual Relief in Sickness, Infirmity, or old Age, or as a Medical Officer of Health, unless he be registered under this Act.

No Certificate to be valid unless Person signing be registered.

XXXVI. After the *First Day of January One thousand eight hundred and fifty-nine* no Certificate required by any Act now in force, or that may hereafter be passed, from any Physician, Surgeon, Licentiate in Medicine and Surgery, or other Medical Practitioner, shall be valid unless the Person signing the same be registered under this Act.

Application of Moneys received by Treasurer.

XXXVII. All Moneys received by the Treasurer arising from Fees to be paid on Examination, and on Registration from the Sale of Registers, from Penalties, or otherwise, shall be applied as follows:

1st. For such Expenses of Registration and of the Execution of this Act as are not otherwise provided for;

2d. For the Payment of the several Examiners appointed by the Council;

3d. For Division among the several Bodies appointing the Examiners of the Professional Boards, in such Proportion as the Council, having reference to the Number and Employment of Examiners by such Bodies respectively appointed, shall from Time to Time determine;

4th. For Payment in such Proportion as the Council shall from Time to Time determine, in aid of the Museums or other scientific and professional Objects of the several Royal Colleges of Physicians or Surgeons, and of the Faculty of Physicians and Surgeons of Glasgow.

Advance of Moneys by the Commissioners of Her Majesty's Treasury.

XXXVIII. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to advance and pay, out of such Moneys as may be provided by Parliament for this Purpose, such Moneys as may be required for the Expenses incurred by or under the Authority of the Council in the Execution of this Act in the meantime, until sufficient Money for that Purpose shall be received from the Fees payable under this Act.

Accounts to be published.

XXXIX. The Treasurer of the Medical Council shall enter in Books to be kept for that Purpose a true Account of all Sums of Money by him received and paid, and such Accounts shall, in the Months of June and December in every Year, be submitted by him to the Medical Council; and if the said Accounts be found to be

correct, the President shall sign the same, and they shall be laid before both Houses of Parliament in the Month of January in every Year, if Parliament be sitting, or if Parliament be not sitting, then within *One Month* after the next Meeting of Parliament.

Pharmacopœia.

XL. The Medical Council shall cause to be published under their Direction and Authority a Book containing a List of Medicines and Compounds, and the Manner of preparing them, together with the true Weights and Measures by which they are to be prepared and mixed, and containing such other Matter and Things relating thereto as the Medical Council shall think fit, to be called "British Pharmacopœia;" and the Medical Council shall alter, amend, and cause to be republished such Pharmacopœia as often as they shall deem it necessary.

Privileges of registered Persons.

XLI. Every Person registered under this Act shall be entitled to demand and recover in any Court of Law, with full Costs of Suit, reasonable Charges for Medical and Surgical Aid, Advice, Visits, and Medicine rendered or supplied by him to his Patients.

None but registered Persons to recover Charges.

XLII. After the said *First Day of January One thousand eight hundred and fifty-nine*, no Person shall be entitled to recover any Charge in any Court of Law for any Medical or Surgical Advice, Attendance, or for the Performance of any Operation, or for any Medicine prescribed, administered, or supplied by him, unless he shall prove upon the Trial that he is registered under this Act.

Interpretation of Words.

XLIII. After the *First Day of January One thousand eight hundred and fifty-nine* the Words "legally qualified Medical Practitioner" or "duly qualified Medical Practitioner," or any Words importing a Person recognized by Law as a Medical Practitioner, when used in any Act of Parliament, shall be construed to mean a Person registered under this Act.

Wilful Falsification of Register.

XLIV. Any Medical or Assistant Medical Registrar who shall wilfully make or cause to be made any Falsification in any Matters relating to the Register shall be deemed guilty of a Misdemeanor in England or Ireland, and in Scotland of a Crime or Offence, and shall on Conviction thereof be sentenced to be imprisoned for any Term not exceeding *Twelve* Months.

Penalty for falsely pretending to be a registered Person.

XLV. Every Person who shall wilfully and falsely pretend to be or take or use the Name or Title of a Physician, Doctor of Medicine, Licentiate in Medicine and Surgery, Bachelor of Medicine, Surgeon, or Apothecary, or any Name, Title, Addition, or Description implying that

that he is registered under this Act, or that he is recognized by Law as a Licentiate in Medicine and Surgery, Physician, or Surgeon, or Apothecary, or a Practitioner in Medicine, shall on being summarily convicted of every such Offence before any Two Justices of the Peace for the County, City, or Place, or in Scotland before a Sheriff of the County or before the Justice of the Peace Court for the District in which the Offence was committed, pay a Sum not exceeding *Twenty Pounds* nor less than *Five Pounds*, to be recoverable as herein-after described, together with all Costs.

How Penalties are to be recovered.

XLVI. Any Two Justices of the Peace acting in and for the County, City, or Place, or in Scotland, a Sheriff of the County, or the Justice of Peace Court for the District in which the Offence has been committed, may hear and determine any Complaint made under the next preceding Clause, on the Oath of One or more Witnesses, or by the Confession of the accused Party, and shall award the Penalty or Punishment herein provided for such Offence; and in every Case of the Adjudication of a pecuniary Penalty and of Nonpayment thereof, it shall be lawful for the said Justices, or in Scotland, for the said Sheriff or Justice of Peace Court, to commit the Offender to any Gaol or House of Correction within his Jurisdiction for a Term not exceeding *Six* Calendar Months, the Imprisonment to cease on Payment of the Sum due.

Penalty for obtaining Registration by false Representations.

XLVII. If any Person shall wilfully procure or attempt to procure himself to be registered under this Act, by making or producing or causing to be made or produced any false or fraudulent Representation or Declaration, either verbally or in Writing, every such Person so offending, and every Person aiding and assisting him therein, shall be deemed guilty of a Misdemeanor in England and Ireland, and in Scotland of a Crime and Offence, and shall on Conviction thereof be sentenced to be imprisoned for any Term not exceeding *Twelve* Months.

Application of Penalties.

XLVIII. Any Sum or Sums of Money arising from Conviction and Recovery of Penalties as aforesaid shall be paid to the Treasurer of the Medical Council.

Registered Persons exempted from serving on Juries, &c.

XLIX. Every Person who shall be registered under the Provisions of this Act shall be exempt, if he shall so desire, from serving on all Juries and Inquests whatsoever, and from serving all Corporate, Parochial, Ward, Hundred, and Township Offices, and from serving in the Militia, and the Name of such Person shall not be returned in any List of Persons liable to serve in the Militia, or in any such Office as aforesaid.

Provision for Persons practising in the Colonies and for Students.

L. It shall be lawful for the Medical Council to make Regulations for dispensing with such Provisions of this Act as to them shall seem fit, in favour of Persons now practising Medicine or Surgery out of the United Kingdom, by virtue of any of the Qualifications enumerated in Schedule (B.); and also in favour of Persons who after due Examination shall have obtained any Foreign or Colonial Diploma or Degree which, in the Country where such Diploma or Degree has been granted, would entitle the Holder to practise Medicine or Surgery; or in favour of such Foreign Medical Practitioners as may at the Time of the passing of this Act be holding any Medical Appointment in any Hospital or Public Institution; and also in favour of any Surgeons or Assistant Surgeons in the Army, Navy, or Militia; and also in favour of Medical Students who shall have commenced their professional Studies before the *passing of this Act.*

Notice of Death of Medical Practitioners to be given by Registrars.

LI. Every Registrar of Deaths in the United Kingdom on receiving Notice of the Death of any Medical Practitioner shall forthwith transmit by Post to the Medical Registrar a Certificate under his own Hand of such Death, with the Particulars of Time and Place of Death, and may charge the Cost of such Certificate and Transmission as an Expense of his Office, and on the Receipt of such Certificate the Medical Registrar shall erase the Name of such deceased Medical Practitioner from the Register.

Chemists, &c. not to be affected.

LII. Nothing in this Act contained shall extend or be construed to extend to prejudice or in any way to affect the lawful Occupation, Trade, or Business of Chemists and Druggists.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Of Acts and Parts of Acts to be repealed.

Date of Act.	Title.	Extent of Repeal.
3 H. 8. c. 11.	An Act for the appointing Physicians and Surgeons.	The whole.
5 H. 8. c. 6.	An Act concerning Surgeons to be discharged of Quests and other Things.	The whole.
32 H. 8. c. 40.	For Physicians and their Privilege.	Sections 1 and 3.
32 H. 8. c. 40.	For Barbers and Surgeons.	The whole.
34 & 35 H. 8. c. 8.	A Bill that Persons, being no common Surgeons, may minister Medicines notwithstanding the Statute.	The whole.
1 M. sess. 2. c. 9.	An Act touching the Corporation of the Physicians in London.	The whole.
6 & 7 W. 3. c. 4.	An Act for exempting Apothecaries from serving the Offices of Constable, Scavenger, and other Parish and Ward Offices, and from serving upon Juries.	The whole.
18 G. 2. c. 15.	An Act for making the Surgeons of London and the Barbers of London Two separate and distinct Corporations.	Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11.
55 G. 3. c. 194.	An Act for better regulating the Practice of Apothecaries throughout England and Wales.	Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24.
6 G. 4. c. 50.	An Act for consolidating and amending the Laws relative to Jurors and Juries.	So much of Section 2 as relates to the Exemption of Medical Practitioners.
13 & 14 Vict. c. 20. (Local & Personal.)	An Act for better regulating the Privileges of the Faculty of Physicians and Surgeons of Glasgow, and amending their Charter of Incorporation.	Section 3.

SCHEDULE (B.)

1. Fellow, Licentiate, or Extra Licentiate of the Royal College of Physicians of London.
2. Fellow or Licentiate of the Royal College of Physicians of Edinburgh.
3. Fellow or Licentiate of the King's and Queen's College of Physicians of Ireland.
4. Fellow or Member of the Royal College of Surgeons of England.
5. Fellow or Licentiate of the Royal College of Surgeons of Edinburgh.
6. Fellow or Licentiate of the Faculty of Physicians and Surgeons of Glasgow.
7. Fellow or Licentiate of the Royal College of Surgeons in Ireland.
8. Licentiate of the Society of Apothecaries, London.
9. Licentiate of the Apothecaries Hall, Dublin.
10. Doctor, or Bachelor, or Licentiate of Medicine, or Master in Surgery of any University of the United Kingdom.
11. Doctor of Medicine of any Foreign University, practising as a Physician in the United Kingdom at the Time of the passing of this Act, who shall produce Certificates of his having taken his Degree of Doctor of Medicine, after regular Examination, and of having resided during a Period of not less than Two Years in some University previous to the taking of such Degree.

SCHEDULE (C.)

DECLARATION required of a Person who claims to be registered as a Medical Practitioner, upon the Ground that he was in Practice as a Medical Practitioner before the First Day of August 1815 :—

To the Registrar of the Medical Council.

I, , residing at , in the County of , hereby declare that I was practising as a Medical Practitioner, at , in the County of , before the First Day of August 1815.

(Signed) [*Name.*]

Dated this Day of 185

SCHE-

SCHEDULE (D).

The MEDICAL REGISTER for the United Kingdom of Great Britain and Ireland, consisting of the Names and Places of Residence, with a Description of the Medical Titles or Qualifications, and the Dates thereof, of all Persons legally qualified to practise Medicine in the United Kingdom in the Year 18 .

ENGLAND.

Name.	Medical Title or Qualification.	Place of Residence.	Date of Registration.
A. A.	Doctor of Medicine of the University of London, 1851.	30, Brook Street, London.	Jan. 1, 1858.
B. A.	Licentiate of the Apothecaries Society of London, 1848; Member of the Royal College of Surgeons of England, 1848.	100, Headlam Sq., Newcastle.	„
C. A.	Doctor of Medicine of the University of Cambridge, 1840; Fellow of the Royal College of Physicians of London, 1850.	20, Grosvenor Street, London.	„
D. A.	Licentiate in Medicine and Surgery, 1857.	33, Cowper's Court, London.	„

SCOTLAND.

A. A.	Doctor of Medicine of University of Glasgow, 1850.	11, Buchanan Street, Glasgow.	„
B. A.	Licentiate in Medicine and Surgery, 1857; Fellow of the Royal College of Physicians, Edinburgh, 1858.	13, Elcho Place, Edinburgh.	„
C. A.	Doctor of Medicine of University of Edinburgh, 1840; Fellow of Royal College of Surgeons, Edinburgh, 1846.	1, Craufurd Street, Ayr.	„

IRELAND.

A. A.	Licentiate in Medicine and Surgery, 1857; Fellow of Royal College of Surgeons in Ireland, 1860.	3, Merrion Square, Dublin.	„
B. A.	Licentiate of the Apothecaries' Hall -	4, Brady Street, Leitrim.	„
C. A.	Doctor of Medicine of the University of Dublin.	10, Napier Street, Dublin.	„

Medical Profession.

A

B I L L

To alter and amend the Laws regulating the Medical Profession.

(*Prepared and brought in by Lord Elcho, Mr. Craufurd, and Mr. FitzRoy.*)

Ordered, by The House of Commons, *to be Printed,* 16 *March* 1858.

[Bill 31.]

Under 3 oz.

28 *April* 1858. 21 VICT.

A

BILL

TO

Define the Rights of the Members of the Medical Profession and to protect the Public from the Abuses of Medical Corporations.

WHEREAS it is expedient that every Person should be at liberty to obtain Medical or Surgical Aid wherever such Person may wish, and that Persons requiring such Aid should be enabled to distinguish qualified from unqualified Practitioners: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may for all Purposes be cited as "The Medical Profession Rights Act." Title of Act.

II. This Act shall commence and take effect from the *First Day of October One thousand eight hundred and fifty-eight.* Commencement of Act.

III. Every Member of the Medical Profession shall be registered, if he thinks fit, as such in a Register to be formed and kept as hereinafter provided. Register to be provided.

Registration of Persons qualified and in Practice before the 1st December 1858.

IV. Every Person who before the *First Day of December One thousand eight hundred and fifty-eight* is possessed of any One or more of the Qualifications described in the Schedule (A.) to this Act shall be entitled to be registered, on producing or forwarding to the Registrar General before the *First Day of January One thousand eight hundred and fifty-nine* the Document conferring or evidencing the Qualification or each of the Qualifications in respect whereof he seeks to be so registered, or if he be a Person who was actually practising Medicine prior to the *First Day of August One thousand eight hundred and fifteen*, a Declaration according to the Form in the Schedule (B.) to this Act, signed by him, or upon transmitting, before the said *First Day of January One thousand eight hundred and fifty-nine*, by Post, to the Registrar General, Information of his Name and Address, and of the Qualification or Qualifications in respect whereof he seeks to be registered, and of the Time or Times at which the same was or were respectively obtained, or (as the Case may require) inclosing such Declaration as aforesaid.

Certain Corporations, &c. to continue to grant Medical Diplomas, &c.

V. Each and every One of the following Bodies now having the Privilege of granting Diplomas or Licences to practise Medicine or Surgery, or both, shall still continue to enjoy the Privilege, and the Diplomas, the Degrees, and the Certificates of such examining Bodies respectively shall be Evidence of the Qualifications required to be possessed by Persons to be registered under this Act:

The Royal College of Physicians;
The Royal College of Surgeons of England;
The Society of Apothecaries of London;
The University of Oxford;
The University of Cambridge;
The University of London;
The University of Durham;

For Scotland,

The Royal College of Physicians of Edinburgh;
The Royal College of Surgeons of Edinburgh;
The Faculty of Physicians and Surgeons at Glasgow;
The University of Edinburgh;
The University of Glasgow;
The University and King's College, Aberdeen;
The Marischal College and University, Aberdeen;
The University of Saint Andrews;

And for Ireland,

The King and Queen's College of Physicians in Ireland;
The Royal College of Surgeons;
The Apothecaries Society of Ireland;
The University of Dublin;
The Queen's University in Ireland.

VI. It

VI. It shall be lawful for any Candidate claiming Examination by any of these examining Bodies to claim a public Examination. Candidates may claim public Examinations.

VII. It shall be lawful for Her Majesty, by and with the Advice of Her Majesty's Privy Council, to extend the Right of giving Diplomas or Certificates of Licence to practise the Medical and Surgical Art to any new Medical Body, when the Members of such Body shall amount to *Five hundred* or upwards, provided it can be proved that the foregoing examining Bodies do not provide Means to enable the Public to realize the Certainty that the Examination by these Bodies tests sufficiently the Knowledge required for the Safety of the Public; and the Diplomas or the Certificates given by the new examining Body shall be Evidence of the Qualifications required to be possessed by Persons to be registered under this Act, and Persons having the Certificate or the Diploma of such examining Body shall be registered under this Act, and shall have all the Privileges conferred by this Act. The Queen may extend the Privilege of granting Diplomas to new Medical Bodies.

VIII. Any foreign Physician or Surgeon wishing to practise or now practising in any Part of the United Kingdom shall be deemed eligible to be registered, and shall have all the Rights conferred by this Act, provided he can obtain a Testimonial signed by *Twelve* Members of the Medical Profession registered under this Act, that he has gained his Physician's or Surgeon's Degree, Diploma, or Certificate after an Examination equivalent to those Examinations which are enforced by the foregoing examining Bodies. Foreign Physicians, &c. may be registered under this Act.

IX. The Registrar General of Births, Deaths, and Marriages shall be the Authority under which the Registration required by this Act shall be carried out, and he is empowered to employ the Registrars in the various Parts of the United Kingdom to aid in carrying out the Registration, and it shall be the Duty of the Registrar General to keep a Register correct in accordance with the Provisions of this Act. Registration to be carried out under the Registrar General of Births, Deaths, and Marriages.

X. Every one of the examining Bodies referred to in this Act shall furnish a List certified under the Seal of such Corporate Body or Bodies, of the Name and the Names of every Person, and the Place or the Places of Residence of all Persons who have been admitted to the Possession of the Diploma, the Degree, or the Certificate of Licence to practise, to the Registrar General within *Two Months* after the passing of this Act; and in the Case of Individuals who, after the *passing of this Act*, shall obtain of any One of the foregoing examining Bodies a Diploma, a Degree, or a Certificate, the examining Body Examining Bodies to forward Lists of Persons to whom Diplomas granted to Registrar General.

conferring this Degree, Diploma, or Certificate shall forward to the Registrar General the Name or the Names of each Individual on whom such Diploma, Degree, or Certificate has been so conferred within *a Month* from the Day such Diploma, Degree, or Certificate was conferred.

In Cases of Neglect in transmitting to Registrar General the Names of Individuals who have obtained Diploma, the Parties aggrieved may recover Damages.

XI. Provided always, That in case of any One of the aforesaid examining Bodies wilfully neglecting to transmit to the Registrar General the Name or the Names of Individuals who have obtained the Diploma, the Degree, or the Certificate of such examining Body, the Person or the Persons so aggrieved shall, after giving Notice to the Dean of the University, to the President of the College, to the Master or the Principal of the examining Body, if that Notice is not attended to within a period of *Forty Days* after the giving the Notice, be at liberty to bring an Action for Damages, the Expenses of which, on the Neglect being proved, shall be paid by the Defendant.

Persons registered to have special Source of Qualification named, &c.

XII. Every Person registered under this Act shall have the special Source of his Qualification named, and shall have the Right of having any additional Medical Diploma, Degree, or Certificate, in addition to that upon which he has gained his Registration, added to his Registration, paying for such Addition to the Registrar of the District the Sum of *Eighteen-pence*, which he shall forward to the Registrar General.

Registrar General to make out List of Persons qualified.

XIII. The Registrar General shall make out the List of the Persons qualified under this Act out of the Lists forwarded to him under the Provisions of this Act, and shall cause a List to be supplied to every Registrar of the United Kingdom, and any Person wishing to inspect that List can inspect the same by applying to the Registrar of the District, paying him the Fee of *One Shilling*.

Registered Persons to give Notice to Registrar of Change of Residence.

XIV. Any Person or Persons already registered shall, on changing their Place of Residence, give Notice of the same to the Registrar of the District wherein he or they shall reside, and such Registrar, on receiving such Notice, shall, for the Transmission of the same to the Registrar General, receive a Fee of *Eighteen-pence*, and shall communicate such Change of Residence in time for the annual List.

Register to be published.

XV. The Registrar General shall in every Year cause to be printed, published, and sold, under his Direction, a correct Register of the

the Names, Places of Residence, and other Particulars herein-before required of all Persons appearing on the General Register as existing on the First Day of January in every Year; and such Register shall be called "the Medical Register;" and a Copy of the Medical Register for the Time being, purporting to be so printed and published as aforesaid, shall be Evidence in all Courts and before all Justices of the Peace and others that the Persons therein specified are registered according to the Provisions of this Act; and the Absence of the Name of any Person from such Copy shall be Evidence, until the contrary be made to appear, that such Person is not registered according to the Provisions of this Act.

Notice of Death of Medical Practitioners to be given by Registrars.

XVI. Every Registrar of Deaths in the United Kingdom on receiving Notice of the Death of any Medical Practitioner shall forthwith transmit by Post to the Registrar General a Certificate under his own Hand of such Death, with the Particulars of Time and Place of Death, and may charge the Cost of such Certificate and Transmission as an Expense of his Office, and on the Receipt of such Certificate the Medical Registrar shall erase the Name of such deceased Medical Practitioner from the Registrar.

Registered Persons to practise in any Part of Her Majesty's Dominions.

XVII. Every Person registered under this Act shall have the Right to practise Medicine or Surgery in any Part of Her Majesty's Dominions, and all Byelaws of any College or Colleges, University or Universities, or Corporation interfering with or limiting this Right are hereby declared null and void, and are hereby repealed.

Unregistered Persons not to hold certain Appointments.

XVIII. After the *First Day of January One thousand eight hundred and fifty-nine* no Person shall hold any Appointment as a Physician, Surgeon, or other Medical Officer either in the Military or Naval Service, or in Emigrant or other Vessels, or in any Hospital, Infirmary, Dispensary, or Lying-in Hospital, not supported wholly by voluntary Contributions, or in any Lunatic Asylum, Gaol, Penitentiary, House of Correction, House of Industry, Parochial or Union Workhouse or Poorhouse, Parish Union, or other public Establishment, Body, or Institution, or as a Medical Officer of Health, unless he be registered under this Act.

Privileges of registered Persons.

XIX. Every Person registered under this Act shall be entitled to demand and recover in any Court of Law, with full Costs of Suit, reasonable Charges for professional Aid, Advice, and Visits, and the Cost of any Medicines or other Medical or Surgical Appliances rendered or supplied by him to his Patients.

None but registered Persons to recover Charges.

XX. After the *First Day of January One thousand eight hundred and fifty-nine* no Person shall be entitled to recover any Charge in any Court of Law for any Medical or Surgical Advice, Attendance, or for the Performance of any Operation, or for any Medicine which he shall have both prescribed and supplied, except by a previous Agreement, or unless he shall prove upon the Trial that he is registered under this Act.

Meaning of legally qualified Medical Practitioner.

XXI. After the *First Day of January One thousand eight hundred and fifty-nine* the Words, "legally qualified Medical Practitioner" or "duly qualified Medical Practitioner," or any Words importing a Person recognized by Law as a Medical Practitioner or Member of the Medical Profession, when used in any Act of Parliament, shall be construed to mean a Person registered under this Act.

Registered Persons exempted from serving on Juries, &c.

XXII. Every Person registered under the Provisions of this Act shall be exempt, if he shall so desire, from serving on all Juries and Inquests whatsoever, and from serving all Corporate, Parochial, Ward, Hundred, and Township Offices, and from serving in the Militia, and the Name of such Person shall not be returned in any List of Persons liable to serve in the Militia, or in any such Office as aforesaid.

Penalty for falsely pretending to be a registered Person.

XXIII. Any Person who shall wilfully and falsely pretend to be or take or use the Name or Title of a Physician, Doctor of Medicine, Licentiate in Medicine and Surgery, Bachelor of Medicine, Surgeon, General Practitioner, or Apothecary, or any Name, Title, Addition, or Description implying that he is registered under this Act, or that he is recognized by Law as a Physician, or Surgeon, or Licentiate in Medicine and Surgery, or a Practitioner in Medicine, or an Apothecary, shall, upon a summary Conviction for any such Offence, pay a Sum not exceeding *Twenty Pounds* nor less than *Five Pounds*.

Recovery of Penalties.

XXIV. Any Penalty to which under this Act any Person is liable on summary Conviction of any Offence may be recovered as follows; (that is to say,) in England in manner directed by the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three, and in Ireland in manner directed by "The Petty Sessions (Ireland) Act, 1851," or any other Act for the Time being in force in England and Ireland respectively for the like Purposes; and any such Penalty may in Scotland be recovered by the Procurates Fiscal of the County, or by any other Person, before the Sheriff or Two Justices, who may proceed in a summary Way and grant Warrant for bringing the Party complained against before him or them, or issue an Order requiring such Party to appear on a Day

and

and at a Time and Place to be named in such Order, and every such Order shall be served on the Party by delivering to him in Person or by leaving at his usual Place of Abode a Copy of such Order and of the Complaint whereupon the same has proceeded, and upon the Appearance or Default to appear of the Party, it shall be lawful for the Sheriff or Justices to proceed to the hearing of the Complaint, and upon Proof on Oath or Confession of the Offence, the Sheriff or Justices shall without any written Pleadings or Record of Evidence commit the Offender and decern him to pay the Penalty named as well as such Expenses as the Sheriff or Justices shall think fit, and failing Payment shall grant Warrant for Recovery thereof by Poinding and Imprisonment, such Imprisonment to be for such Period as the Discretion of the Sheriff or Justices may direct, not exceeding *Three* Calendar Months, and to cease on Payment of the Penalty and Expenses.

Application of Penalties.

XXV. Any Sum or Sums of Money arising from Conviction and Recovery of Penalties as aforesaid shall be paid as aforesaid.

Registrar wilfully making any Falsification in any Matters relating to the Registrar, guilty of a Misdemeanor.

XXV. Any Registrar who shall wilfully make or cause to be made any Falsification in any Matters relating to the Registrar shall be deemed guilty of a Misdemeanor in England or Ireland, and in Scotland of a Crime or Offence punishable by Fine or Imprisonment, and shall, on Conviction thereof, be imprisoned for any Term not exceeding *Twelve* Months.

Act not to affect Chemists and Druggists.

XXVI. Provided always, That nothing in this Act contained shall extend or be construed to extend to prejudice or in any way to affect the lawful Occupation, Trade, or Business of Chemists and Druggists.

SCHEDULE (A.)

1. Fellow, Licentiate, or Extra Licentiate of the Royal College of Physicians of London.
2. Fellow or Licentiate of the Royal College of Physicians of Edinburgh.
3. Fellow or Licentiate of the King's and Queen's College of Physicians of Ireland.
4. Fellow or Member of the Royal College of Surgeons of England.
5. Fellow or Licentiate of the Royal College of Surgeons of Edinburgh.
6. Fellow or Licentiate of the Faculty of Physicians and Surgeons of Glasgow.
7. Fellow or Licentiate of the Royal College of Surgeons in Ireland.
8. Licentiate of the Society of Apothecaries, London.
9. Licentiate of the Apothecaries Hall, Dublin.
10. Doctor, or Bachelor, or Licentiate of Medicine, or Master in Surgery of any University of the United Kingdom.
11. Doctor of Medicine of any Foriegn University, practising as a Physician in the United Kingdom at the Time of the passing of this Act, who shall produce Certificates of his having taken his Degree of Doctor of Medicine, after regular Examination, and of having resided during a Period of not less than *Two* Years in some University previous to the taking of such Degree.

SCHEDULE (B.)

DECLARATION required of a Person who claims to be registered as a Medical Practitioner, upon the Ground that he was in Practice as a Medical Practitioner before the First Day of August 1815 :—

To the Registrar.

I, , residing at , in the County of , hereby declare that I was practising as a Medical Practitioner at , in the County of , before the *First Day of August 1815.*

(Signed) [*Name.*]

Dated this Day of 185 .

Medical Profession and Medical Corporations.

A

BILL

To define the Rights of the Members of the Medical Profession and to protect the Public from the Abuses of Medical Corporations.

(Prepared and brought in by Mr. Thomas Duncombe and Mr. Butler.)

Ordered, by The House of Commons, *to be Printed,* 28 *April* 1858.

[Bill 69.]

Under 2 oz.

321

A

BILL

TO

Abolish Freedom from Arrest in the Case of Members of Parliament.

WHEREAS it is expedient to abolish Freedom from Arrest and Imprisonment in the Case of Members of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. That after the *passing of this Act* Privilege of Parliament shall not extend to the Exemption of any Member of Parliament from Arrest or Imprisonment upon the Judgment, Rule, Order, or Decree of any Court of competent Jurisdiction, any Law or Custom to the contrary notwithstanding. Freedom from Arrest in the Case of Members of Parliament abolished.

[Bill 116.]

Members Freedom from Arrest.

A

BILL

To abolish Freedom from Arrest in the Case of Members of Parliament.

(*Prepared and brought in by Mr. Hunt, Mr. Moffat, and Mr. Knightley.*)

Ordered, by The House of Commons, *to be Printed,* 8 *June* 1858.

[Bill 116.]

Under 1 *oz.*

525

Metropolis Local Management Act Amendment Bill.

ARRANGEMENT OF CLAUSES.

The Metropolitan Board of Works to commence the intercepting Sewerage Works as soon as may be; Sect. 1.

Points of Outfall, &c. Sewage to be deodorized; 2.

Metropolitan Board may construct Works on the Shores and Bed of the Thames; 3.

Powers of taking Land to apply for the Purpose of deodorizing Works; 4.

Metropolitan Board of Works may appoint a Committee for the Purposes of the Works; 5.

Powers of Committee; 6.

Metropolitan Board of Works may (before 1865) raise Three Millions by Bonds or Debentures; 7.

Power to raise Money for Repayment of Principal Moneys; 8.

The Treasury may guarantee Payment of Moneys borrowed; 9.

Securities transferable by Delivery; 10.

Money borrowed under this Act to be applied only to Works under this Act; 11.

Appointment of Inspecting Engineers; 12.

Metropolitan Board of Works to levy a Rate of Threepence in the Pound on the Property in the Metropolis;" 13.

Such Rate to be called "The Metropolis Main Drainage Rate;" 14.

All Parts of the Metropolis to be deemed to be equally benefited; 15.

Provisions applicable to other Assessments of the Metropolitan Board to be extended to Assessments under this Act; 16.

Rates to be made by Metropolitan Board on Default of Vestries, &c. in Payment of Precepts; 17.

Extension of Provisions as to Inspection, &c. of County Rates to other Rates and Taxes; 18.

Metropolitan Board may require Copies of Poor Rates; 19.

Moneys arising from the Rate to be paid into a separate Account in the Bank of England; 20.

Application of Moneys paid into the Bank of England; 21.

Moneys arising from Rates may be applied in lieu of Money to be raised by Loan; 22.

Payments in pursuance of Guarantee; 23.

The Rate under this Act may be determined when the Money borrowed is repaid; 24.

Metropolitan Board to deodorize Sewage; 25.

Board not to create a Nuisance; 26.

Enactments requiring the Approbation of the Commissioners of Works, &c. repealed; 27.

Time for Completion of Works extended to End of 1863; 28.

Interpretation of Terms; 29.

Acts to be read together; 30.

A

B I L L

TO

Alter and amend the Metropolis Local Management Act (1855), and to extend the Powers of the Metropolitan Board of Works for the Purification of the Thames and the Main Drainage of the Metropolis.

WHEREAS it is necessary, with a view to the Health of the Metropolis, that Works should be speedily undertaken and completed for the Purification of the Thames and for the Improvement of the Drainage of the Metropolis, and for this Purpose it is expedient that the Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty "for the better "local Management of the Metropolis" should be amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 18 & 19 Vict. c. 120.

I. The Metropolitan Board shall cause to be commenced as soon as may be after the *passing of this Act*, and to be carried on and completed with all convenient Speed according to such Plan as to them may seem proper, the necessary Sewers and Works for preventing, as far as may be practicable, the Sewage of the Metropolis from passing into the River Thames within the Metropolis. The Metropolitan Board of Works to commence the intercepting Sewerage Works as soon as may be.

Points of Outfall, &c. Sewage to be deodorized.

II. The Points of Outfall in the said River of the said Sewage may be any Place on the Left Bank or Shore of the said River not higher than the West Bank of Barking Creek, and any Place on the Right Bank or Shore of the said River not higher than Crossness Point in Erith Marshes; provided the said Metropolitan Board, in every Year during the whole Period from the Beginning of *May* to the End of *October*, effectually deodorize such Sewage before its Discharge at such Points of Outfall, or separate and intercept the Sewage Deposit, so as to prevent, during the whole of such Period in every Year, the Discharge into the said River at such Points of any noxious or offensive Sewage Matter: Provided always, that in case the said Board effectually deodorize such Sewage, or separate and intercept the Sewage Deposit as aforesaid throughout the whole Year, so as to prevent the Discharge at any Time into the said River of any such noxious or offensive Matter, the Points of Outfall may be higher up the said River than the Places aforesaid.

Metropolitan Board may construct Works on the Shores and Bed of the Thames.

III. The Metropolitan Board of Works for the Purposes of this Act may construct any Work through, along, over, or under the Bed and Soil and Banks and Shores of the River Thames, making Compensation to all Persons having any Interest in any Wharfs, Jetties, or other Property damaged by such Works, as provided by the said Act of the Eighteenth and Nineteenth Years of Her Majesty in respect of Property injured under the Powers of such Act.

Powers of taking Land to apply for the Purpose of deodorizing Works.

IV. The Powers of taking Land given by the said Act of the Eighteenth and Nineteenth Years of Her Majesty, and all other Powers in such Act and this Act in relation to Sewerage Works, shall extend and be applicable as well to Works for deodorizing Sewage as to all other Works under this Act, either within or beyond the Limits of the Metropolis, and all such Works shall be deemed Works for the Purpose of the Sewerage or Drainage of the Metropolis.

Metropolitan Board of Works may appoint a Committee for the Purposes of the Works.

V. The Metropolitan Board of Works may, if they see fit, within *Three* Months after the passing of this Act, and from Time to Time at their First Meeting in the Month of November in every subsequent Year, appoint a Committee for the Purposes of this Act, and every such Committee shall consist of *Six* Members, of whom the Chairman of the Board shall be One, and every Committee so appointed shall continue in Office until a like Committee is appointed as aforesaid; and it shall be lawful for the said Board from Time to Time to fill up Vacancies happening in such Committee; and any *Three* of the Members of such Committee, of whom the Chairman shall be One, may execute all the Powers hereby vested in such Committee; and the Chairman of the Board for the Time being shall preside at every

every Meeting at which he shall be present, and in his Absence some other Member of the Committee shall be chosen to preside thereat; and in case the Number of Votes upon any Question shall be equal the Chairman presiding at the Meeting of such Committee shall have a second or casting Vote.

Powers of Committee.

VI. The said Metropolitan Board may delegate to such Committee for the Purpose of the Execution of the Works required by this Act, such of the Powers of the said Board as the said Board may think fit; and such Committee may do all Acts authorized by the Powers so delegated without such Acts being submitted for the Approval of the said Board.

Metropolitan Board of Works may (before 1865) raise Three Millions by Bonds or Debentures

VII. The Metropolitan Board of Works may, with the Consent of the Commissioners of Her Majesty's Treasury, from Time to Time after the *passing of this Act*, but not later than the *Thirty-first Day of December One thousand eight hundred and sixty-four*, borrow on such Bonds, Debentures, or other Securities, and at such Rate of Interest and upon such Terms as to the Time of Repayment and otherwise as such Commissioners may approve, any Sum or Sums of Money not exceeding in the whole the Sum of *Three million Pounds* for the Purposes of this Act.

Power to raise Money for Repayment of Principal Moneys.

VIII. Upon or for the Repayment of the Principal Money secured under the Authority of this Act, or any Part of such Money, the said Metropolitan Board may, with such Consent as aforesaid, at any Time borrow on such Bonds, Debentures, or other Securities as aforesaid all or any Part of the Amount of Principal Money repaid or to be repaid, and so from Time to Time as all or any Part of any Principal Money for the Time being secured under this Act may require to be repaid; but the Amount to be secured by new Securities shall not in any Case exceed the Principal Money required to be repaid.

The Treasury may guarantee Payment of Moneys borrowed.

IX. It shall be lawful for the Commissioners of Her Majesty's Treasury to guarantee the Payment of the Principal and Interest of any Money borrowed under this Act, and all Bonds, Debentures, and Securities issued under this Act, the Payment of the Principal and Interest secured whereby is intended to be so guaranteed, shall be signed by such Officer as the Commissioners of Her Majesty's Treasury may in this Behalf from Time to Time appoint.

Securities transferable by Delivery.

X. All Bonds, Debentures, and Securities issued under the Authority of this Act, and all Right to and in respect of the Principal Moneys secured thereby, and all Interest due and accruing thereon

shall be transferable by the Delivery of such Bonds, Debentures, and Securities respectively.

Money borrowed under this Act to be applied only to Works under this Act.

XI. The Metropolitan Board of Works shall cause a separate Account to be kept of the Money borrowed by such Board under this Act, and all such Money, except Money borrowed for Repayments as herein-before provided, shall be applied in Payment of the Expenses of constructing the Works to be executed under this Act, and to no other Purpose.

Appointment of Inspecting Engineers.

XII. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to appoint an Engineer or Engineers to inspect the Works to be constructed under this Act, and to report to such Commissioners in relation to such Matters connected with such Works, and in relation to the Expenditure thereon, as the said Commissioners may direct; and such Engineer or Engineers shall have full Power and Authority at all reasonable Times to enter upon such Works, and survey and inspect the same, and to inspect the Accounts of the said Metropolitan Board in relation thereto.

Metropolitan Board of Works to levy a Rate of Threepence in the Pound on the Property in the Metropolis."

XIII. The Metropolitan Board of Works shall during *Forty* Years from the Time of the passing of this Act assess and cause to be raised in each Year, upon the City of London and the other Parts of the Metropolis, for the Purposes of this Act, such Sums as, in their Judgment, will be equivalent to a Rate of *Threepence* in the Pound upon the annual Value of the Property in the said City and other Parts respectively; and the Sums to be so assessed in each Year may be assessed at One Time or at several Times, as the said Board may think fit.

Such Rate to be called "the Metropolis Main Drainage Rate."

XIV. In the Assessments of the said Metropolitan Board under this Act, and in their Precepts, and in the Orders of Vestries and District Boards to be made in respect of such Assessments, such Sums shall be distinguished as being assessed for "the Metropolis Main Drainage Rate," and all such Sums assessed upon the City of London shall be reimbursed to the Chamberlain of the said City by means of a separate Rate to be called "the Metropolis Main Drainage Rate," to be levied under the Direction of the Commissioners of Sewers of the said City, in like Manner and subject to the like Provisions as any Rate which such Commissioners are authorized to direct to be made under any Act relating to the Sewerage of the said City, and all such Sums assessed on other Parts of the Metropolis shall be levied by means of a separate Rate to be called "the Metropolis Main Drainage Rate," in like Manner and subject to the like Provisions as the Sewers

Sewers Rate to be made under the said Act of the Eighteenth and Nineteenth Years of Her Majesty; and the Assessments of the said Metropolitan Board under this Act shall include the Places mentioned in Schedule (C.) to the said Act of the Eighteenth and Nineteenth Years of Her Majesty, and the Sums to be assessed thereon shall be raised by means of Rates to be made and levied as therein provided in respect of the raising of Moneys assessed by the said Board.

All Parts of the Metropolis to be deemed to be equally benefited.

XV. For the Purposes of the Assessments under this Act, all the Parts of the Metropolis shall be deemed to be equally benefited by the Expenditure under this Act.

Provisions applicable to other Assessments of the Metropolitan Board to be extended to Assessments under this Act.

XVI. All the Provisions of the said Act concerning the Estimate on which Assessments by the said Metropolitan Board shall be made, and for and in relation to the raising and enforcing Payment of the Sums assessed by the said Board, shall, subject to the Provisions of this Act, extend and apply to and in the Case of all Sums to be assessed by the said Board under this Act.

Rates to be made by Metropolitan Board on default of Vestries, &c. in Payment of Precepts.

XVII. The said Metropolitan Board may, in case of any Default or Neglect of any Vestry, District Board, or other Body or Person to pay the Amount required by any Precept of the said Board, or any Part of such Amount, within such Time and in such Manner as may be mentioned in such Precept in that Behalf, raise and levy the Money required by the said Board for the Purposes of this Act, in any Parish, District, or Part and for that Purpose may make and levy a Rate of such Amount in the Pound on the annual Value of the Property rateable as will, in their Judgment, having regard to all Circumstances, be sufficient to raise the Money so required as aforesaid; and such Rate shall be levied on the Persons and in respect of the Property by Law rateable to the Relief of the Poor in such Parish, or District, or Part, subject to the Provisions in the said Act of the Eighteenth and Nineteenth Years of Her Majesty contained concerning the levying of Monies by Overseers in pursuance of Orders made upon them by Vestries under the said Act, and shall be assessed upon the net annual Value of such Property ascertained by the Rate for the Time being for the Relief of the Poor; and the said Board may appoint One or more Collectors for levying any such Rate, and pay him or them any Salary, Poundage, or Allowance in respect of their Employment under this Enactment which such Board may deem just and reasonable, and shall take such Security from every such Collector for the due Execution of his Duty as they shall think reasonable and proper; and the said Board, and the Collector or Collectors to be appointed by them, shall have the same Powers, Remedies, and Privileges as for levying Money for the Relief of the Poor; and all such

such Rates shall be allowed in the same Manner, and be subject to the same Provisions in relation to Appeal and to excusing Persons from Payment on account of Poverty and otherwise, as the Rate for the Relief of the Poor; and all the Expenses of and incidental to the preparing, making, collecting, and levying any such Rate shall be raised and levied by the said Metropolitan Board in addition to but as Part of the said Rate.

Extension of Provisions as to Inspection, &c. of County Rates to other Rates and Taxes.

XVIII. The Provisions of Section One hundred and seventy-one of the said Act of the Eighteenth and Nineteenth Years of Her Majesty, for enabling the Clerk or other Person or Persons authorized by the Metropolitan Board of Works to inspect or take Copies of or Extracts from County Rates, Bases, Returns, and other Documents, and the Penalties by the said Enactment prescribed in the Case of Neglect or Refusal to permit any such Clerk or Person to inspect or to take Copies or Extracts, are hereby extended and made applicable to all other Rates and Assessments, whether parochial or otherwise, within the several Parts of the Metropolis, and the Books in which the same are contained, and the Valuations and Returns relating thereto, and the Person or Persons having the Custody or Control thereof.

Metropolitan Board may require Copies of Poor Rates.

XIX. It shall be lawful for the said Board, by Order in Writing, to require the Vestry Clerk, Overseer, Collector, or other Person having the Custody or Control of any Rate for the Relief of the Poor in any Parish or Place, to furnish within such Period, not being less than *Seven* Days, as shall be limited in such Order, or of such Part or Parts of the said Rate as shall be specified in such Order, on Payment or Tender for such Copy at the Rate of *Sixpence* for every Twenty-four Names (inclusive of all the Particulars in the several Columns of the Rate, so far as such Particulars have reference to such Names respectively); and the said Copy shall be examined by and signed by such Vestry Clerk, Overseer, Collector, or other Person, and shall be verified by his solemn Declaration, if the said Board shall require the same, which solemn Declaration any Justice of the Peace, or Commissioner duly authorized, is hereby authorized to administer; and any Person having the Custody or Control of such Rate who shall refuse or neglect to make and deliver to the said Board, or any Person by them authorized to receive the same, such Copy or Extract, or to make such solemn Declaration as aforesaid, shall be liable to a Penalty not exceeding *Ten Pounds* for every such Offence, and to a further continuing Penalty of *Ten Pounds* for each and every Day during which the said Offence shall be continued.

Moneys arising from the Rate to

XX. An Account shall be opened in the Books of the Governor and Company of the Bank of England for the Purposes of this Act, in

in the Names of such Officers or Persons as the Commissioners of Her Majesty's Treasury may direct, and such Account shall be deemed a Public Account, and all the Moneys payable under the Precepts of the Metropolitan Board of Works in respect of the Metropolis Main Drainage Rate shall be paid into the Bank of England to such Account, and the Dividends and Income arising from the Investments of any such Moneys under this Act, and the Produce of the Sale from Time to Time of such Investments, and all Moneys borrowed for Repayment, until applied for that Purpose, shall be paid into the Bank of England to the said Account.

be paid into a separate Account in the Bank of England.

XXI. All Moneys paid to the Credit of the said Account shall be from Time to Time applied in Payment of the Interest of the Moneys borrowed under this Act, and subject thereto in or towards Payment of any Moneys so borrowed which for the Time being may be payable, or the Purchase of Bonds, Debentures, or Securities whereby any such Moneys are secured, for the Purpose of the Extinction thereof, and any Surplus, after answering the Purposes aforesaid, shall be invested in Government Securities in such Manner as the Commissioners of the Treasury may think fit and direct, and such Investments shall be sold when and as the said Commissioners of the Treasury may direct.

Application of Moneys paid into the Bank of England.

XXII. Provided always That the Commissioners of Her Majesty's Treasury may authorize any Money standing to the Credit of the said Account in the Bank of England, not exceeding in the whole the Amount remaining to be raised of the said Sum of *Three million Pounds*, to be paid to the Metropolitan Board of Works, to be applied as any Money to be raised by Loan under this Act is applicable; in such Case the Amount which would otherwise have remained raisable under this Act shall be reduced by the Sum or Sums so authorized to be paid to the Metropolitan Board of Works as aforesaid.

Moneys arising from Rates may be applied in lieu of Money to be raised by Loan.

XXIII. For the Purpose of giving effect to such Guarantee as herein provided, it shall be lawful for the Commissioners of Her Majesty's Treasury to cause to be issued out of the Consolidated Fund of the United Kingdom, or the growing Produce thereof, such Sums as may be necessary for Payment of such Principal and Interest in aid of any other Moneys applicable for that Purpose under this Act; and in case any Principal or Interest payable under this Act shall be paid out of the said Consolidated Fund, such Commissioners shall cause any Money so paid to be repaid to the said Consolidated Fund out of any Moneys which may have arisen or may arise from the Rates levied under this Act or the Investment thereof.

Payment in pursuance of Guarantee.

The Rate under this Act may be determined when the Money borrowed is repaid.

XXIV. If the whole Amount raisable under this Act shall have been raised and paid off by means of the Rates levied under this Act before the Expiration of the said Period of *Forty* Years, the Metropolitan Board of Works, with the Consent of the Commissioners of Her Majesty's Treasury, shall discontinue the Assessment for "The Metropolis Main Drainage Rate," and any Surplus of the Moneys arising from the Rates levied under this Act which may remain after such Payment shall be applicable towards defraying the Expenses of the said Board.

Metropolitan Board to deodorize Sewage.

XXV. The Metropolitan Board of Works in the meantime, and until the Works required by this Act for the Purification of the River Thames are completed, may do all such Works and apply all such Means as they may deem proper for deodorizing such Sewage or otherwise protecting the Public Health from any injurious Consequences therefrom, and may defray the Expenses incurred for this Purpose as the Expenses incurred by the said Board under the said Act of the Eighteenth and Nineteenth Years of Her Majesty are therein directed to be defrayed.

Board not to create a Nuisance.

XXVI. The said Metropolitan Board shall cause all Works to be executed under this Act to be constructed and kept so as not to be a Nuisance, and shall, in deodorizing any Sewage and in disposing of any Sewage or Refuse from Sewers, act in such Manner as not to create a Nuisance.

Enactments requiring the Approbation of the Commissioners of Works, &c. repealed.

XXVII. Section One hundred and thirty-six of the said Act, and so much of Section One hundred and forty-four of the said Act as provides "that before the Metropolitan Board of Works commence "any such Works the estimated Expense whereof shall exceed "Fifty thousand Pounds, the Plan of such Works, together with an "Estimate of the Cost of carrying the same into execution, shall be "submitted by such Board to the Commissioners of Her Majesty's "Works and Public Buildings, and no such Plan shall be carried into "effect until the same has been approved by such Commissioners, "and no such Works shall be commenced in Cases where the "estimated Expense thereof shall exceed the Sum of One hundred "thousand Pounds, without the previous Sanction of Parliament," shall be repealed.

Time for Completion of Works extended to End of 1863.

XXVIII. The Time limited by Section One hundred and thirty-five of the said Act of the Eighteenth and Nineteenth Years of Her Majesty, for the Completion of the Sewers and Works necessary for preventing the Sewage of the Metropolis from passing into the River Thames, in

or

or near the Metropolis, shall be extended to the Thirty-first Day of December One thousand eight hundred and sixty-three.

Interpretation of Terms.

XXIX. In the Construction of this Act the Expression "to deodorize" shall be deemed to include any Process whereby the solid suspended Matters in Sewage may be precipitated or separated from the Liquid before the Discharge thereof, or whereby the noxious or offensive Properties of Sewage may be neutralized; and the Expression "Sewage" shall mean and include the Contents of the Sewers before the Employment of such Process.

Acts to be read together.

XXX. The said Act of the Eighteenth and Nineteenth Years of Her Majesty and this Act shall be read together as One Act.

Metropolis Local Management Act Amendment.

A

BILL

To alter and amend the Metropolis Local Management Act (1855), and to extend the Powers of the Metropolitan Board of Works for the Purification of the Thames and the Main Drainage of the Metropolis.

(*Prepared and brought in by Mr. Chancellor of the Exchequer, Lord John Manners, and Mr. Hamilton.*)

Ordered, by The House of Commons, *to be Printed,* 15 *July* 1858.

[Bill 216.]

Under 2 oz.

LORDS AMENDMENT

TO THE

METROPOLIS LOCAL MANAGEMENT ACT AMENDMENT BILL.

After Clause 29. insert Clause (A.)

Clause (A.) No Works under or over the main navigable Channel of the River Lea shall at any Time be commenced or executed, under the Provisions of this Act, without leaving the Top of any Work under the Navigation not less than Twelve Feet below High Water, Trinity Standard, and for any Work over any Part of the Navigation without leaving the Soffit of such Work not less than Eight Feet Six Inches above High Water, Trinity Standard, with a clear Span over the said River, inclusive of the Towing-path thereof, of not less than Fifty-four Feet; provided that it shall be lawful for the Trustees of the River Lea, by Writing under their Common Seal, on the Application of the Metropolitan Board of Works, to consent to an Alteration or Variation of the said Dimensions or either of them.

[Bill 245.]

LORDS AMENDMENT

TO THE

METROPOLIS LOCAL MANAGEMENT ACT AMENDMENT BILL.

Ordered, by The House of Commons, *to be Printed*,
29 *July* 1858.

[Bill 245.]

Under 1 *oz.*

15 *March* 1858. 21 Vict.

A

BILL

TO

Continue an Act of the last Session to authorize the embodying of the Militia.

Preamble. 20 & 21 Vict. c. 82.

WHEREAS by an Act of the last Session of Parliament, Chapter Eighty-two, it was enacted, that it should be lawful for Her Majesty, and for the Lord Lieutenant or other Chief Governor or Governors of Ireland, respectively, at any Time after the passing of that Act, and before the Twenty-fifth Day of March One thousand eight hundred and fifty-eight, to cause all or any Part of the respective Militias in England, Scotland, and Ireland to be drawn out and embodied in like Manner as in the respective Cases in which such Militias were then by Law authorized to be drawn out and embodied: And whereas it is expedient that the said Act should be continued as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Powers of the Act continued.

I. All the Powers and Provisions of the said Act shall be continued and shall have effect as if the *Twenty-fifth Day of March One thousand eight hundred and fifty-nine* had been mentioned therein instead of the Twenty-fifth Day of March One thousand eight hundred and fifty-eight.

[Bill 30.]

Militia Act Continuance.

A

BILL

To continue an Act of the last Session to authorize the embodying of the Militia.

(*Prepared and brought in by General Peel and Mr. Hamilton.*)

Ordered, by The House of Commons, *to be Printed,* 15 *March* 1858.

[Bill 30.]

Under 1 *oz.*

(No. 2.)

A

BILL

Further to continue an Act to authorize the embodying of the Militia.

WHEREAS by an Act of the last Session of Parliament, Chapter Eighty-two, it was enacted, that it should be lawful for Her Majesty, and for the Lord Lieutenant or other Chief Governor or Governors of Ireland, respectively, at any Time after the passing of that Act, and before the Twenty-fifth Day of March One thousand eight hundred and fifty-eight, to cause all or any Part of the respective Militias in England, Scotland, and Ireland to be drawn out and embodied in like Manner as in the respective Cases in which such Militias were then by Law authorized to be drawn out and embodied: And whereas by an Act of the present Session of Parliament, the first-mentioned Act has been continued until the Twenty-fifth Day of March One thousand eight hundred and fifty-nine, and it is expedient that the said first-mentioned Act should be further continued as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

20 & 21 Vict. c. 82.

21 & 22 Vict. c. 4.

Powers of 20 & 21 Vict. c. 82. continued to 25th March 18 .

I. All the Powers and Provisions of the said Act shall be continued and shall have Effect as if the *Twenty-fifth Day of March One thousand eight hundred and* had been mentioned therein instead of the Twenty-fifth Day of March One thousand eight hundred and fifty-eight.

Militia Act Continuance.

(No. 2.)

A

BILL

Further to continue an Act to authorize the embodying of the Militia.

(*Prepared and brought in by Mr. Chancellor of the Exchequer, General Peel, and Mr. Hamilton.*)

Ordered, by The House of Commons, *to be Printed*, 20 *July* 1858.

[Bill 227.]

Under 1 *oz.*

20 *July* 1858. 21 & 22 Vict.

A

BILL

TO

Continue an Act to enable Her Majesty to accept the Services of the Militia out of the United Kingdom.

WHEREAS an Act was passed in the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, "to "enable Her Majesty to accept the Services of the Militia "out of the United Kingdom for the vigorous Prosecution of the War:" And whereas the Provision of the said Act, enabling Her Majesty to accept the Services and to employ out of the United Kingdom such Part as therein mentioned of the Militia raised in the United Kingdom, and the other Provisions of the said Act, except Sections Fourteen, Fifteen, and Sixteen, may be deemed to have expired; and it is expedient that such Provisions should be revived and continued as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble. 18 & 19 Vict. c. 1.

Act revived and continued.

I. All the Provisions of the said Act of the Eighteenth and Nineteenth Years of Her Majesty shall be revived and shall continue in force for the Term of Years after the passing of this Act: Provided that this Act shall not affect or limit the Duration of Sections Fourteen and Fifteen, or of Section Sixteen, so far as the same has reference to the Two preceding Sections of the said Act.

Militia (Service Abroad) Act Continuance.

A

B I L L

To continue an Act to enable Her Majesty to accept the Services of the Militia out of the United Kingdom.

(*Prepared and brought in by Mr. Chancellor of the Exchequer, General Peel, and Mr. Hamilton.*)

Ordered, by The House of Commons, *to be Printed*, 20 *July* 1858.

[Bill 228.]

Under 1 *oz.*

(Ireland.)

A

BILL

TO

Extend the Time for making Advances towards Navigations in Ireland under the Provisions of an Act of the Nineteenth and Twentieth Victoria, Chapter Sixty-two.

WHEREAS an Act was passed in the Session of Parliament holden in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter Sixty-two, intituled "An "Act to provide for the Maintenance of Navigations made in connexion with Drainage, and to make further Provision in relation to "Works of Drainage, in Ireland:" And whereas it is by the said Act, amongst other Things, provided, that it should be lawful for the Commissioners of the Treasury, at any Time, and from Time to Time, within the first Two Years after the passing of the said Act, to direct that certain Advances of Money should be made to the Trustees of such Navigations respectively, to be applied for the Purposes in the said Act mentioned: And whereas the Commissioners of Public Works in Ireland have not yet made the final Award in respect to any of the said Navigations required to be made before such Money could be advanced, and it is expedient that the Time for making such Advances should be extended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the

Preamble. 19 & 20 Vict. c. 62. s. 26.

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Time limited by recited Act extended.

I. The Time by the said Act limited for enabling the Commissioners of the Treasury to direct Advances of Money to be made for the Purposes of the Navigations, or any of them, in the said Act mentioned, shall be extended to *Two* Years from the Date of the Awards to be made by the Commissioners of Public Works in Ireland in relation to the said Navigations respectively.

Recited Act and this Act to be construed as One Act.

II. The said recited Act and this Act shall be construed together as One Act.

Navigation Advances (Ireland).

A

BILL

To extend the Time for making Advances towards Navigations in Ireland under the Provisions of an Act of the Nineteenth and Twentieth Victoria, Chapter Sixty-two.

(*Prepared and brought in by Mr. Hamilton and Lord Naas.*)

Ordered, by The House of Commons, *to be Printed,* 30 *June* 1858.

[Bill 167.]

Under 1 *oz.*

New General Post Office (Edinburgh) Bill.

ARRANGEMENT OF CLAUSES.

Preamble.
Short Title; Sect. 1.
Incorporation of General Act; 2.
Interpretation; 3.
Incorporation of Commissioners; 4.
Commissioners to carry Act into execution; 5.
Purchases to be made under Authority of Treasury; 6.
Vesting Lands and Heritages in the Commissioners; 7.
Materials, &c. vested in Commissioners; 8.
Power to shut up and alter Streets and Ways; 9.
Power to raise or lower Streets; 10.
Power to take Premises notwithstanding Errors; 11.
Power to clear Ground and sell old Materials; 12.
Power to bring Actions for Breach of Contract; 13.
Commissioners to account to Treasury; 14.
Power to sell surplus Lands; 15.
Lands acquired by Excambion to vest in Commissioners; 16.
Monies to be paid to Paymaster General; 17.
Lands sold by Commissioners to vest free of prior Claims; 18.
Contracts by First Commissioner to be valid; 19.
Notices by Commissioners; 20.
Notices to Commissioners; 21.
Deeds not liable to Stamp Duty; 22.
Saving Rights of Her Majesty; 23.
Protection of Commissioners personally; 24.
SCHEDULE.

(Scotland).

A

BILL

TO

Confer Powers on the Commissioners of Her Majesty's Works and Public Buildings to acquire the Theatre Royal, Edinburgh, and adjacent Property, for the Erection of a new General Post Office; and for other Purposes.

WHEREAS the Premises in Waterloo Place within the City of Edinburgh at present occupied as a General Post Office have become insufficient for the Accommodation of the increasing Business of that Establishment, and from their Position are not capable of further Extension or Enlargement: And whereas, with a view to facilitate the Dispatch of the public Business of Her Majesty in that Department, it is necessary and expedient that a Site of adequate Extent, and conveniently situated for the Erection of a new General Post Office for Scotland within the City of Edinburgh, should be provided, and that certain Lands, Tenements, and others of divers of Her Majesty's Subjects, comprehending the Building commonly known as the Theatre Royal, Edinburgh, and certain Houses, Buildings, Lands, and other Properties situate near the said Theatre in the City Parish of Edinburgh, or Parishes of St. Andrew Preamble.

and Trinity College respectively, within the Royalty and City of Edinburgh, described in the Schedule of this Act, should be acquired and appropriated by the Commissioners of Her Majesty's Works and Public Buildings, herein-after called "the Commissioners," as herein-after mentioned, for the Purposes aforesaid: And whereas a Map or Plan, describing the Lands and Heritages to be acquired by the said Commissioners under the Authority of this Act, has been prepared under the Direction of the said Commissioners: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The New General Post Office, Edinburgh, Act, 1858."

Incorporation of Act 8 & 9 Vict. c. 19.

II. The Lands Clauses Consolidation (Scotland) Act, 1845, save and except such Parts as and so far only as such Parts relate to Compensation for any Damage or Injury to or injuriously affecting any Lands by reason of the Execution of any Works, and also save and except Sections 15, 16., 80. to 98. inclusive, 120. to 128. inclusive, 132., 135., 142, and 143. of the said Act, shall, so far as the same may be applicable to and is not inconsistent with or modified by this Act, be incorporated with and for all Intents and Purposes whatever form Part of this Act.

Interpretation.

III. In the Construction of this Act, and of the Act herewith incorporated, so far as it relates to the Purposes of this Act, unless there be something in the Context repugnant to such Construction,

"The Commissioners" shall mean the Commissioners of Her Majesty's Works and Public Buildings for the Time being, under the Provisions of the Act passed in the Session of Parliament of the Fourteenth and Fifteenth of Victoria, Chapter Forty-two:

"Special Act," in the Act herewith incorporated, shall mean this Act:

"Promoters of the Undertaking," in the Act herewith incorporated, shall mean "the Commissioners:"

"Company," in the Act herewith incorporated, shall mean "the Commissioners:"

"Lands and Heritages" shall mean and include Houses, Buildings, Tenements, Piazzas, Cellars, Areas, Streets, Squares, Ways, Paths, Passages, Stairs, Galleries, Walls, Yards, Sheds, Workshops, Watertanks, Gardens, vacant Ground, and Subjects of every

every Description and of every Tenure, and all public and private Rights, Liberties, Privileges, and Servitudes of every Description in, over, upon, under, or through the same or any of them.

Commissioners incorporated for the Purposes of this Act.

IV. The Persons who for the Time being, under the Provisions of the Act passed in the Session of Parliament of the Fourteenth and Fifteenth of Victoria, Chapter Forty-two, shall be Commissioners of Her Majesty's Works and Public Buildings, shall for the Purposes of this Act be and are hereby constituted a Corporation by the Name and Style of the Commissioners of Her Majesty's Works and Public Buildings, and by that Name shall have perpetual Succession and use a Common Seal, to be by them from Time to Time altered as they may think fit.

Commissioners of Works to carry this Act into execution.

V. It shall be lawful for the Commissioners and they are hereby authorized, out of any Monies which have been or which may be appropriated by Parliament and put at their Disposal for that Purpose, to purchase, as provided in this Act and in the Act herewith incorporated, the Lands and Heritages in the City of Edinburgh and Parishes foresaid mentioned in the Schedule to this Act, and to pull down and remove the Buildings thereon when so purchased, and to appropriate the Sites of the said Buildings, and all the Ground and Buildings mentioned in the Schedule to this Act, whether now used as Streets, Squares, Ways, Paths, Passages, Yards, Gardens, vacant Ground, or otherwise, as a Site for the Erection thereon or on some Part or Parts thereof of a Building or Buildings for a new General Post Office, and the necessary Accesses and Approaches thereto, and to carry the Purposes of this Act into execution in manner herein mentioned.

Purchases to be made under the Authority of the Treasury.

VI. No Purchase shall be made by the Commissioners for the Purposes of this Act except with the Consent of the Commissioners of Her Majesty's Treasury; but it shall not be necessary for any Seller to ascertain that such Consent has been given, nor shall the Commissioners be bound to produce to any such Seller any Evidence of such Consent: Provided, nevertheless, that such Consent may be given either generally or for any particular Purchase or Purchases as to the said Commissioners of Her Majesty's Treasury as aforesaid shall seem meet.

Lands and Heritages purchased to be vested in Commissioners for the Public Service.

VII. All Lands and Heritages purchased by the Commissioners under the Authority of this Act and of the Act herewith incorporated shall be vested in them for the Public Service, and shall be subject to the Provisions of an Act passed in the Session of Parliament held in the Fifteenth Year of the Reign of Her present Majesty, Chapter Twenty-eight, and in all respects as if the same had been acquired under the Provisions of that Act.

Materials, &c. vested in the Commissioners.

VIII. The Right and Property of all the Materials, Implements, Utensils, and Things whatsoever which may be provided by the Commissioners or by their Order, or under any Contract or Contracts to be entered into by them, or which may otherwise belong to and be used by them for the Purposes of this Act, and also any Materials which formed Part of any Buildings which may be pulled down by the Direction of the Commissioners, in pursuance of the Powers of this Act, shall be vested in the Commissioners, and they are hereby empowered to dispose of and apply the same for the Purposes of this Act as they shall think fit, and to bring any Action or Actions, and to prosecute any Person or Persons who shall steal, secrete, injure, damage, or dispose of the same or any of them respectively to their own Use and Uses, or shall disturb them the Commissioners, or their Officers or other Persons acting under them, in the Possession thereof.

Power to shut up and alter Streets and Ways.

IX. It shall be lawful for the Commissioners to shut up, alter, widen, or otherwise vary all such Streets, Ways, Paths, Passages, Roads, or Accesses connected with or adjoining the Lands and Heritages to be purchased or acquired as aforesaid as shall be necessary for the Purposes of this Act; and the Ground and Soil of such Streets, Ways, Paths, Passages, Roads, or Accesses, or Parts thereof respectively, as shall be so shut up, altered, widened, or otherwise varied, shall be and are hereby vested in the Commissioners and their Successors for the Purposes of this Act.

Streets may be raised or lowered.

X. It shall be lawful for the Commissioners and they are hereby empowered to raise or lower the Ground of any Streets or Ways which shall communicate with the Building or Buildings so to be erected as aforesaid, or any Part or Parts thereof.

Premises may be taken notwithstanding Errors in Schedule.

XI. It shall be lawful for the Commissioners to purchase, take down, and use for the Purposes of this Act any of the Subjects comprehended within or described on said Plan as intended to be taken for the Purposes of this Act, although such Subjects, or the Name or Names of the Owner, Lessee, or Occupier thereof, may happen to be erroneously stated or omitted in the said Schedule, provided it shall appear to and be certified by any Two or more of the Justices of the Peace for the City of Edinburgh that such Error or Omission proceeded from Mistake or erroneous Information.

Power to clear Ground and sell old Materials.

XII. It shall be lawful for the Commissioners and they are empowered to pull down or cause to be pulled down all Houses, Buildings, and other Erections purchased under this Act, or such of them or such Parts thereof as they shall deem expedient to be pulled down,

down, and to level and clear the Ground whereon the same stand, and all other Ground to be purchased under this Act, in such Manner as they shall think proper, and, if they shall see fit, to sell or cause to be sold the Materials of the Houses and other Buildings so to be taken down and removed, and the Monies produced by the Sale thereof (after deducting the Expenses of pulling down such Houses and Buildings respectively, and of such Sale or Sales), and also the Rents and Profits of such Lands and Heritages as may be purchased or taken by virtue of this Act, until the same shall be pulled down or cleared, shall be received and applied by the Commissioners for the Purposes of this Act.

Power to bring Actions for Breach of Contract.

XIII. In case any Contract entered into in pursuance of this Act with the Commissioners, or in case all or any of the Works to be done in pursuance of this Act, shall not be well and sufficiently performed according to the Intent and Meaning of any Contract or Contracts to be entered into by the Commissioners for any of the Purposes of this Act, or shall not be completed within the Time or Times specified in such Contract or Contracts, then and in every such Case the Commissioners may cause an Action to be brought in any of Her Majesty's Courts of Law in Scotland against any such Contractor or Contractors, or their Sureties, for any Penalty contained in his Contract, and on Proof of the Nonperformance thereof at the Time or Times for that Purpose therein mentioned the Commissioners shall be entitled to and shall recover the full Penalty contained in any such Contract, any Law, Custom, or Usage to the contrary in anywise notwithstanding, which Penalty, when recovered, shall be applied to the Purposes of this Act: Provided always, that it shall be lawful for the Commissioners, if they think fit, to compound and agree with any such Contractor for any Penalty incurred by him or his Sureties for the Breach or Nonperformance of any such Contract, for such Sum of Money as the said Commissioners shall think proper.

Commissioners to render an Account to the Treasury.

XIV. The Commissioners shall from Time to Time render and give an Account to the Commissioners of Her Majesty's Treasury of the Amount of all Monies which shall be received by the Commissioners for the Purposes or under the Authority of this Act, and of the Application of all such Monies; and the Commissioners of Her Majesty's Treasury shall be and they are hereby authorized and required to examine or cause to be examined every such Account, and in case they shall approve thereof to signify such their Approbation at the Foot of such Account, signed by the said Commissioners of Her Majesty's Treasury, and to transmit and return the same so approved to the Commissioners; and every Account so approved and

signed as aforesaid shall be a full and sufficient Discharge to the Commissioners for or on account of all such Sums of Money as shall be mentioned in such Account, and for the Expenditure and Application thereof, and the Commissioners shall not be compelled or compellable to give or render any further or other Account of any such Money, or of the Expenditure or Application thereof, any Law, Usage, or Custom to the contrary notwithstanding.

Commissioners may sell surplus Lands.

XV. It shall be lawful for the Commissioners, from Time to Time, in such Manner as they may deem most advantageous, with Consent of the Commissioners of Her Majesty's Treasury, to sell, excamb, feu, or in any other Manner dispose of or to let, all or any of the Lands and Heritages purchased or acquired by them under the Authority of this Act, and which may not be required for the Purposes foresaid; and it shall be lawful for the Commissioners to execute all Conveyances, Deeds of Excambion, Feu Contracts, Leases, or other Writings that may be requisite and necessary therefor.

Lands acquired on Excambion to vest in Commissioners.

XVI. All Lands and Heritages that may be acquired by the Commissioners on such Excambion shall vest in them upon the same Trusts and with the like Powers in all respects as hereby declared as to Lands and Heritages hereby authorized to be purchased.

Monies payable to Commissioners of Works to be paid to Paymaster General.

XVII. All Monies payable to the Commissioners under the Provisions of this Act arising from the Sale of any Materials, Lands, and Heritages, or otherwise, or which may be paid by way of Rent, Premium, Feu Duty, Compensation, or otherwise, shall be paid to Her Majesty's Paymaster General for the Time being, whose Receipt shall be a sufficient Discharge for the same to the Person or Persons paying the same; and such Monies so paid as aforesaid shall from Time to Time be by such Paymaster General paid over and applied as the Commissioners shall by any Order direct, and in the meantime shall be applied or invested in the Purchase of Exchequer Bills, if the Commissioners should so direct.

Lands sold by Commissioners to vest free of prior Claims.

XVIII. Immediately from and after the Payment of any such Monies, and the Execution of any Conveyance, Deed of Excambion, Feu Contract, Lease, or other Writing as aforesaid, by the Commissioners, the Purchaser, Feuar, or Lessee therein named shall stand possessed of the Lands and Heritages so purchased by or feued or leased to him freed and disburdened of and from all prior Rights, Interests, Charges, Incumbrances, and Demands whatsoever, save and except such Rights, Interests, Charges, Incumbrances, or Demands

Demands as in any such Conveyance, Deed of Excambion, Feu Contract, Lease, or other Writing may be specially excepted.

Contracts made by First Commissioner of Works to be valid.

XIX. All Contracts made by the First Commissioner of Her Majesty's Works and Public Buildings in the Execution of any of the Powers by this Act given to the Commissioners hereby incorporated as aforesaid shall be valid and binding on the Commissioners, as if the same had been under their Corporate Seal.

Notices by Commissioners.

XX. All Notices which under this Act are to be given by the Commissioners may be given under the Hand of Donald Horne, Writer to the Signet, their Solicitor in Scotland, or of their Solicitor in Scotland for the Time being, or of Robert Matheson, their Surveyor of Works in Scotland, or of their Surveyor of Works in Scotland for the Time being.

Notices, &c. to Commissioners.

XXI. All Notices and other Proceedings which under this Act are to be given to or served on the Commissioners shall be served on their said Solicitor or Surveyor of Works in Scotland for the Time being by being left at or transmitted through the Post to their respective Places of Business in Edinburgh.

Deeds, &c. not liable to Stamp Duty.

XXII. No Deed, Bond, Discharge, Receipt, or other Instrument which shall be made or executed by, to, or with the Commissioners, or otherwise, for any of the Purposes of this Act, shall be subject or liable to any Stamp Duty imposed by any Act now in force, nor to any Stamp Duty to be imposed by any future Act, unless such Instruments be specially subjected and specially charged therewith by any future Act.

Saving of Rights of Her Majesty.

XXIII. Nothing herein contained shall defeat, abridge, or injuriously affect, in any Action, Suit, or other Proceedings, the legal Rights, Privileges, or Prerogatives of Her Majesty, Her Heirs and Successors; and in all such Actions, Suits, or other Proceedings commenced under or in pursuance of this Act, and in all Matters relating thereunto, it shall be lawful for the Commissioners to claim, exercise, and enjoy all the same Rights, Privileges, and Prerogatives which have been heretofore claimed, exercised, and enjoyed, in any Actions, Suits, or other Proceedings whatsoever in any Court of Law or Equity, by Her Majesty or Her Predecessors, in the same Manner as if the Subject Matter of the said Action, Suit, or other Proceeding were vested immediately in Her Majesty, Her Heirs or Successors, and as if Her Majesty, Her Heirs or Successors, were actually a Party to such Action, Suit, or other Proceeding.

Protection of Commissioners personally.

XXIV. Nothing contained in this Act, and nothing done under or in pursuance thereof, shall extend to charge the Commissioners or any of them with the Payment of any Penalty or Penalties, or to charge, affect, or make liable the Person or Persons of the Commissioners or of any of them, or their Heirs, Executors, or Administrators, or their own proper Lands, Tenements, Goods, Chattels, or Property, in, under, or by reason of any Actions, Suits, Arbitrations, or other Proceedings whatsoever, at Law, in Equity, or otherwise, instituted, agreed, made, or taken under or in pursuance of this Act, nor shall the Commissioners or any of them be personally liable, nor shall the Property of the Commissioners or any of them be liable, to any legal Process or Execution in any such Actions, Suits, Arbitrations, or other Proceedings as aforesaid.

SCHE-

SCHEDULE referred to in the foregoing Act.

The City Parish of Edinburgh, or Parishes of St. Andrew and Trinity College respectively, within the Royalty and City of Edinburgh.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
1.1.1.1. 1.	Building known as the "Theatre Royal," with Piazza, Area, and Cellars.	Mrs. Sarah Elizabeth Siddons or Grant, and William Patrick Grant of Rothiemurcus, her Husband, No. 20, Abercromby Place, Edinburgh; and Sir William Gibson Craig, of Riccarton, Baronet; James Gibson Craig, W.S., Edinburgh, and Major Arthur Mair, No. 29, Abercromby Place, Edinburgh, Trustees under their Marriage Contract; Mrs. Elizabeth Harriet Siddons or Mair, and the said Major Arthur Mair, her Husband, No. 29, Abercromby Place, Edin.; Miss Sarah Siddons, No. 14, Upper Wimpole Street, Cavendish Square, London; and the said William Patrick Grant of Rothiemurcus, John Brown, M.D., Rutland Street, Edinburgh, Professor Horace Hayman Wilson, No. 14, Upper Wimpole Street, Cavendish Square, London, William Richard Young, Oldfield Lodge, Maidenhead, Berks, and David Maclagan, C.A., No. 129, George Street, Edinburgh, her Curators.	Robert Henry Wyndham, No. 95, Princes Street, Edinburgh.	Robert Henry Wyndham, No. 95, Princes Street, Edinburgh.
2.2.2.2. 2.2.2.2. 2.2.2.2.	Tenement of Dwelling Houses, with Cellars, Areas, Outbuildings, Back-yard, and Wall.	James M'Laren, Boot and Shoe Maker, No. 6, Duncan Street, Drummond Place, Edinburgh; John Pattison, W.S., No. 16, Broughton Place, Edinburgh; Thomas Hill Pattison, M.D., No. 39, London Street, Edinburgh; Miss Joanna Pattison, No. 39, London St., Edinburgh; Mrs. Christina Beatrice Pattison or Anderson, and John Francis Anderson, both residing at Pau, South of France; the said John Pattison, W.S., Agent; Donald	Robert Smart, Tavern Keeper; Andw. Wood, Shakespeare Hotel; Donald Fraser; Jas. Clark, Spirit Dealer; Robert Dixson, Baker; Wm. Sibbald, Fruitseller; Alex. Lockhart Carstairs, Engraver; Mrs. Elizabeth Brotchie; John Hosea, Turner; Robert Ritchie, Shoemaker, all of No. 2, Shakespeare Square, Edinburgh.	Robert Smart, Tavern Keeper; Andw. Wood, Shakespeare Hotel; Donald Fraser; Jas. Clark, Spirit Dealer; Robert Dixson, Baker; Wm. Sibbald, Fruitseller; Alex. Lockhart Carstairs, Engraver; Mrs. Elizabeth Brotchie; John Hosea, Turner; Robert Ritchie, Shoemaker, all of No. 2, Shakespeare Square, Edinburgh.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		Fraser, No. 2, Shakespeare Square, Edinburgh; Mrs. Isabella Johnston, No. 11, Castle Street, Banff; Mrs. Jane Messer, Baker, Portobello; William Milne, No. 19, Broughton St., Edinburgh, for Behoof of himself and others; Mrs. Ann Donaldson or Dobie, and John Dobie her Husband, No. 7, Hill Place, Edinburgh; and Miss Wilhelmina Maria Donaldson, No. 19, Dundas Street, Edinburgh.		
3.3.3.3. 3.3.	Tenement of Dwelling Houses, with Cellars, Areas, Outbuildings, Back-yard, and Wall.	Miss Jane Thomson, No. 51, Broughton Street, Edinburgh; Charles Scott King, Spirit Dealer, No. 6, Shakespeare Square, Edinburgh; Robt. Dixson, Baker, No. 2, Shakespeare Square, Edinburgh; Wm. Archibald Thomson, No. 179, Causewayside, Curator for John Thomson and the other Children of the late John Charles Thomson, Spirit Dealer, Shakespeare Square, Edinburgh; Dr. John S. Mushet, Birkhill by Stirling; David Chisholm, No. 33, Montague Street, Edinburgh; J. Chisholm, No. 27, Booth St. East, Oxford Road, Manchester; J. Pattison, W.S., No. 16, Broughton Pl., Edinburgh; Thomas Hill Pattison, M.D., No. 39, London Street, Edinburgh; Miss Joanna Pattison, No. 39, London Street, Edinburgh; Mrs. Christina Beatrice Pattison or Anderson, and John Francis Anderson, both residing at Pau, South of France; the said John Pattison, W.S., Agent.	James Clark, Spirit Dealer, No. 4, Shakespeare Square, Edinburgh; Charles Scott King, Spirit Dealer, No. 6, Shakespeare Square, Edinburgh; Mrs. Isabella Hall, Mangle Keeper, No. 6, Shakespeare Square, Edin.; Thomas Currie, Tavern Keeper; David Currie, Boot Closer; Miss Jane Currie; Mrs. James Chisholm; William M'Ewen, Coachman; Robert Hunter, Engraver; Mrs. Janet Brown, Blackborderer; Mrs. John Greig; Mrs. Andrew Lee, all of No. 5, Shakespeare Square, Edinburgh.	James Clark, Spirit Dealer, No. 4, Shakespeare Square, Edinburgh; Charles Scott King, Spirit Dealer, No. 6, Shakespeare Square, Edinburgh; Mrs. Isabella Hall, Mangle Keeper, No. 6, Shakespeare Square, Edin.; Thomas Currie, Tavern Keeper; David Currie, Boot Closer; Miss Jane Currie; Mrs. James Chisholm; David M'Farlane; William M'Ewen, Coachman; Robert Hunter, Engraver; Mrs. Janet Brown, Blackborderer; Mrs. John Greig; Mrs. Andrew Lee, all of No. 5, Shakespeare Square, Edinburgh.
4.4.4.4 4. 4.	Tenement of Dwelling Houses, with Cellars, Areas, Outbuildings, Back-yard, and Wall,	Robt. Wilson, Plumber, No. 24, Earl Grey Street, Edinburgh; Miss Christina Moffat, No. 18, Elm Row, Edinburgh; William Moffat, Painter, No. 18, Elm Row, Edinburgh; George Sime, No. 14, Lauriston St., Edinburgh; Patrick Hunter, at present residing in America; James Readdie, Architect, Perth, Mandatory for the said Patrick Hunter.	Mrs. Isabella M'Laren, No. 104, Rose Street, Edinburgh; Donald Kennedy, Oyster Tavern; John Hutton, Silversmith; Charles Wallace, Joiner; Mrs. Helen Kay; Mrs. Marion Stewart, Mrs. Alexander Duff; Archibald Bathgate, Cabinet Maker; Mrs. Janet Park, all of No. 7, Shakespeare Square, Edinburgh.	Miss Julia Fitzclarence; Donald Kennedy, Oyster Tavern; William Barris; Miss Sarah Proctor; John Hutton, Silversmith; Charles Wallace, Joiner; Mrs. Helen Kay; Mrs. Marion Stewart; Mrs. Alexander Duff; Archibald Bathgate, Cabinet Maker; Mrs. Janet Park, all of No. 7, Shakespeare Square, Edinburgh.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
5.5.5.5. 5.5.5.	Tenement of Dwelling Houses, with Cellars, Areas, Outbuildings, Back-yard, and Wall.	Misses Margaret and Isabella Neillans, New Pentland by Loanhead; Dr. David Ramsay, No. 38, Broughton St., Edinburgh, Liferenter; Sir William Gibson Craig of Ricarton, Bart., Fiar.	Alexander Gray, Shoemaker; Duncan M'Cowan, Slater; John Robertson, Shoemaker; William Foote, Comedian; William Wood, Brassfounder; William Armet, Tailor; Daniel Stewart, Coachman; Mrs. John Kemp; Mrs. Jane Stephenson; Adam Howie, Bookbinder; Francis Murray, Jeweller; John Dunse, Slater; Mrs. Anne Mackenzie; Thomas Cochrane, Tailor, all of No. 8, Shakespeare Square, Edinburgh.	Alexander Gray, Shoemaker; Duncan M'Cowan, Slater; John Robertson, Shoemaker; William Foote, Comedian; William Wood, Brassfounder; William Armet, Tailor; Daniel Stewart, Coachman; Mrs. John Kemp; Mrs. Jane Stephenson; Adam Howie, Bookbinder; Francis Murray, Jeweller; John Dunse, Slater; Mrs. Anne Mackenzie; Thomas Cochrane, Tailor, all of No. 8, Shakespeare Square, Edinburgh.
6.6.6.6. 6.6.6.	Warehouse and Offices, with Areas and Cellars.	Francis Garden Mitchell, No. 23, East Claremont St., Edinburgh; Mrs. Isabella Wilson Scott or Alexander, and Dr. James T. Alexander, her Husband, No. 6, Stafford Street, Edinburgh; and Mrs. Alison, Graham Scott or Braund, and William Braund, her Husband, residing at Dartford, Kent.	Messrs. Fraser Hogg, Robert Honeyman, and John Wilson, junior, the individual Partners of the Firm of Hogg, Honeyman, and Wilson, Tea and Spice Merchants, No. 10, Shakespeare Sq., Edinburgh; Daniel Cormack and Son, Smiths and Ironmongers, No. 1, Leith Street Terrace, and ShakespeareSquare, Edinburgh.	Messrs. Fraser, Hogg, Robert Honeyman, and John Wilson, junior, the individual Partners of the Firm of Hogg, Honeyman, and Wilson, Tea and Spice Merchants, No. 10, Shakespeare Sq., Edinburgh; Daniel Cormack and Son, Smiths and Ironmongers, No. 1, Leith St. Terrace, and Shakespeare Square, Edinburgh.
7.7.7.7. 7.7.	Tenement occupied as Hotels and Taverns, with Areas and Cellars.	Mrs. Isabella Wilson Scott or Alexander, and Dr. James T. Alexander, her Husband, No. 6, Stafford Street, Edinburgh; and Mrs. Alison Graham Scott or Braund, and William Braund, her Husband, residing at Dartford, Kent.	Mrs. Jane Thomson or Paton, Tavern and Hotel Keeper, No. 11, ShakespeareSquare, Edinburgh; Charles Campbell, Tavern and Hotel Keeper, No. 12, Shakespeare Sq.. Edin.; Daniel Cormack & Son, Smiths and Ironmongers, No. 1, Leith Street Terrace, and Shakespeare Sq., Edinburgh.	Mrs. Jane Thomson or Paton, Tavern and Hotel Keeper, No. 11, Shakespeare Sq., Edinburgh; Charles Campbell, Tavern and Hotel Keeper, No. 12, Shakespeare Square, Edinburgh; Daniel Cormack & Son, Smiths and Ironmongers, No. 1, Leith Street Terrace, and Shakespeare Sq., Edinburgh.
8.8.8.8. 8.8.8.	Back-yard, Sheds, and Workshops.	The same - -	Daniel Cormack and Son, Smiths and Ironmongers, No. 1, Leith Street Terrace, and Shakespeare Square, Edinburgh.	Daniel Cormack and Son, Smiths and Ironmongers, No. 1, Leith Street Terrace, and Shakespeare Square, Edinburgh.
9.9.9.9.	Stone Wall and Counterforts of North Bridge.	The Lord Provost, Magistrates, and Council of the City of Edinburgh, John Sinclair and James Laurie, conjunct City Clerks, No. 10, Royal Exchange, Edinburgh.	——	——
10.10. 10.	Sloping Bank of Earth and Water Tank and Part of Railway Station.	The North British Railway Company, James Nairne, Secretary, No. 4, Princes Street, Edinburgh.	- - - -	The North British Railway Company, James Nairne, Secretary, No. 4, Princes Street, Edinburgh.
11.11.	Retaining or Support Wall and Piece of Ground.	The same - -	- - - -	The same.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
12.	Ashpit	The Lord Provost, Magistrates, and Council of the City of Edinburgh, John Sinclair and James Laurie, conjunct City Clerks, No. 10, Royal Exchange, Edinburgh.	—	—
13.	Urinals	The same	- - - -	The Public.
14.	Shop called "The Box."	The Lord Provost, Magistrates, and Council of the City of Edinburgh, John Sinclair and James Laurie, conjunct City Clerks, No. 10, Royal Exchange, Edinburgh.	Messrs. James & John Gray, North British Advertiser Office, No. 8, Melbourne Place, Edinburgh.	Messrs. James & John Gray, North British Advertiser Office, No. 8, Melbourne Place, Edinburgh; David Mathers, Bookseller and News Agent, No. 71, Causewayside, Edinburgh.
15. 15. 15. 15. 15. 15. 15. 15. 15. 15. 15. 15. 15. 15. 15.	Streets, Paved Ways, Roadways, Stairs, and Passages.	The same, and the City of Edinburgh Paving Board, William Duncan, S.S.C., No. 1, Heriot Row, Edinburgh, Clerk.	- - - -	The Lord Provost, Magistrates, and Council of the City of Edinburgh, John Sinclair and James Laurie, conjunct City Clerks, No. 10, Royal Exchange, Edinburgh; the City of Edinburgh Paving Board, William Duncan, S.S.C., No. 1, Heriot Row, Edinburgh, Clerk.

The Lord Provost, Magistrates, and Council of the City of Edinburgh are the reputed Superiors of the whole of the Properties above described.

New General Post Office (Edinburgh).

A

BILL

To confer Powers on the Commissioners of Her Majesty's Works and Public Buildings to acquire the Theatre Royal, Edinburgh, and adjacent Property, for the Erection of a new General Post Office; and for other Purposes.

(*Prepared and brought in by*
(*Lord John Manners and Mr. Hamilton.*)

Ordered, by The House of Commons, *to be Printed,*
4 *June* 1858.

[Bill 108.]

Under 2 oz.

New General Post Office (Edinburgh) Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preamble.
Short Title; Sect. 1.
Incorporation of General Act; 2.
Interpretation; 3.
Incorporation of Commissioners; 4.
Commissioners to carry Act into execution; 5.
Purchases to be made under Authority of Treasury; 6.
Vesting Lands and Heritages in the Commissioners; 7.
Materials, &c. vested in Commissioners; 8.
Power to shut up and alter Streets and Ways; 9.
Power to raise or lower Streets; 10.
Power to take Premises notwithstanding Errors; 11.
Power to clear Ground and sell old Materials; 12.
Power to bring Actions for Breach of Contract; 13.
Power to sell surplus Lands; 14.
Lands acquired by Excambion to vest in Commissioners; 15.
Monies to be paid to Paymaster General; 16.
Lands sold by Commissioners to vest free of prior Claims; 17.
Contracts by First Commissioner to be valid; 18.
Notices by Commissioners; 19.
Notices to Commissioners; 20.
Deeds not liable to Stamp Duty; 21.
Saving Rights of Her Majesty; 22.
Protection of Commissioners personally; 23.
SCHEDULE.

(Scotland).

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Confer Powers on the Commissioners of Her Majesty's Works and Public Buildings to acquire the Theatre Royal, Edinburgh, and adjacent Property, for the Erection of a new General Post Office; and for other Purposes.

WHEREAS the Premises in Waterloo Place within the City of Edinburgh at present occupied as a General Post Office have become insufficient for the Accommodation of the increasing Business of that Establishment, and from their Position are not capable of further Extension or Enlargement: And whereas, with a view to facilitate the Dispatch of the public Business of Her Majesty in that Department, it is necessary and expedient that a Site of adequate Extent, and conveniently situated for the Erection of a new General Post Office for Scotland within the City of Edinburgh, should be provided, and that certain Lands, Tenements, and others of divers of Her Majesty's Subjects, comprehending the Building commonly known as the Theatre Royal, Edinburgh, and certain Houses, Buildings, Lands, and other Properties situate near the said Theatre in the City Parish of Edinburgh, or Parishes of St. Andrew

Preamble.

and Trinity College respectively, within the Royalty and City of Edinburgh, described in the Schedule of this Act, should be acquired and appropriated by the Commissioners of Her Majesty's Works and Public Buildings, herein-after called "the Commissioners," as herein-after mentioned, for the Purposes aforesaid: And whereas a Map or Plan, describing the Lands and Heritages to be acquired by the said Commissioners under the Authority of this Act, has been prepared under the Direction of the said Commissioners: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The New General Post Office, Edinburgh, Act, 1858."

Incorporation of Act 8 & 9 Vict. c. 19.

II. The Lands Clauses Consolidation (Scotland) Act, 1845, save and except such Parts as and so far only as such Parts relate to Compensation for any Damage or Injury to or injuriously affecting any Lands by reason of the Execution of any Works, and also save and except Sections 15, 16., 80. to 98. inclusive, 120. to 128. inclusive, 132., 135., 142, and 143. of the said Act, shall, so far as the same may be applicable to and is not inconsistent with or modified by this Act, be incorporated with and for all Intents and Purposes whatever form Part of this Act.

Interpretation.

III. In the Construction of this Act, and of the Act herewith incorporated, so far as it relates to the Purposes of this Act, unless there be something in the Context repugnant to such Construction,

"The Commissioners" shall mean the Commissioners of Her Majesty's Works and Public Buildings for the Time being, under the Provisions of the Act passed in the Session of Parliament of the Fourteenth and Fifteenth of Victoria, Chapter Forty-two:

"Special Act," in the Act herewith incorporated, shall mean this Act:

"Promoters of the Undertaking," in the Act herewith incorporated, shall mean "the Commissioners:"

"Company," in the Act herewith incorporated, shall mean "the Commissioners:"

"Lands and Heritages" shall mean and include Houses, Buildings, Tenements, Piazzas, Cellars, Areas, Streets, Squares, Ways, Paths, Passages, Stairs, Galleries, Walls, Yards, Sheds, Workshops, Watertanks, Gardens, vacant Ground, and Subjects of every

every Description and of every Tenure, and all public and private Rights, Liberties, Privileges, and Servitudes of every Description in, over, upon, under, or through the same or any of them.

Commissioners incorporated for the Purposes of this Act.

IV. The Persons who for the Time being, under the Provisions of the Act passed in the Session of Parliament of the Fourteenth and Fifteenth of Victoria, Chapter Forty-two, shall be Commissioners of Her Majesty's Works and Public Buildings, shall for the Purposes of this Act be and are hereby constituted a Corporation by the Name and Style of the Commissioners of Her Majesty's Works and Public Buildings, and by that Name shall have perpetual Succession and use a Common Seal, to be by them from Time to Time altered as they may think fit.

Commissioners of Works to carry this Act into execution.

V. It shall be lawful for the Commissioners and they are hereby authorized, out of any Monies which have been or which may be appropriated by Parliament and put at their Disposal for that Purpose, to purchase, as provided in this Act and in the Act herewith incorporated, the Lands and Heritages in the City of Edinburgh and Parishes foresaid mentioned in the Schedule to this Act, and to pull down and remove the Buildings thereon when so purchased, and to appropriate the Sites of the said Buildings, and all the Ground and Buildings mentioned in the Schedule to this Act, whether now used as Streets, Squares, Ways, Paths, Passages, Yards, Gardens, vacant Ground, or otherwise, as a Site for the Erection thereon or on some Part or Parts thereof of a Building or Buildings for a new General Post Office, and the necessary Accesses and Approaches thereto, and to carry the Purposes of this Act into execution in manner herein mentioned.

Purchases to be made under the Authority of the Treasury.

VI. No Purchase shall be made by the Commissioners for the Purposes of this Act except with the Consent of the Commissioners of Her Majesty's Treasury; but it shall not be necessary for any Seller to ascertain that such Consent has been given, nor shall the Commissioners be bound to produce to any such Seller any Evidence of such Consent: Provided, nevertheless, that such Consent may be given either generally or for any particular Purchase or Purchases as to the said Commissioners of Her Majesty's Treasury as aforesaid shall seem meet.

Lands and Heritages purchased to be vested in Commissioners for the Public Service.

VII. All Lands and Heritages purchased by the Commissioners under the Authority of this Act and of the Act herewith incorporated shall be vested in them for the Public Service, and shall be subject to the Provisions of an Act passed in the Session of Parliament held in the Fifteenth Year of the Reign of Her present Majesty, Chapter Twenty-

Twenty-eight, and in all respects as if the same had been acquired under the Provisions of that Act.

Materials, &c. vested in the Commissioners.

VIII. The Right and Property of all the Materials, Implements, Utensils, and Things whatsoever which may be provided by the Commissioners or by their Order, or under any Contract or Contracts to be entered into by them, or which may otherwise belong to and be used by them for the Purposes of this Act, and also any Materials which formed Part of any Buildings which may be pulled down by the Direction of the Commissioners, in pursuance of the Powers of this Act, shall be vested in the Commissioners, and they are hereby empowered to dispose of and apply the same for the Purposes of this Act as they shall think fit, and to bring any Action or Actions, and to prosecute any Person or Persons who shall steal, secrete, injure, damage, or dispose of the same or any of them respectively to their own Use and Uses, or shall disturb them the Commissioners, or their Officers or other Persons acting under them, in the Possession thereof.

Power to shut up and alter Streets and Ways.

IX. It shall be lawful for the Commissioners to shut up, alter, widen, or otherwise vary all such Streets, Ways, Paths, Passages, Roads, or Accesses connected with or adjoining the Lands and Heritages to be purchased or acquired as aforesaid as shall be necessary for the Purposes of this Act; and the Ground and Soil of such Streets, Ways, Paths, Passages, Roads, or Accesses, or Parts thereof respectively, as shall be so shut up, altered, widened, or otherwise varied, shall be and are hereby vested in the Commissioners and their Successors for the Purposes of this Act: Provided always, that the said Commissioners shall in lieu of the present Stair make and maintain a suitable Public Stair from the North Bridge Street, at or near the South-west Corner of the Premises so to be acquired, in continuation of the present Stair leading from the said Theatre Royal and other Houses and Buildings adjacent thereto, to the existing Street or Streets below.

Streets may be raised or lowered.

X. It shall be lawful for the Commissioners and they are hereby empowered to raise or lower the Ground of any Streets or Ways which shall communicate with the Building or Buildings so to be erected as aforesaid, or any Part or Parts thereof.

Premises may be taken notwithstanding

XI. It shall be lawful for the Commissioners to purchase, take down, and use for the Purposes of this Act any of the Subjects comprehended within or described on said Plan as intended to be taken for

for the Purposes of this Act, although such Subjects, or the Name or Names of the Owner, Lessee, or Occupier thereof, may happen to be erroneously stated or omitted in the said Schedule, provided it shall appear to and be certified by any Two or more of the Justices of the Peace for the City of Edinburgh that such Error or Omission proceeded from Mistake or erroneous Information. Errors in Schedule.

XII. It shall be lawful for the Commissioners and they are empowered to pull down or cause to be pulled down all Houses, Buildings, and other Erections purchased under this Act, or such of them or such Parts thereof as they shall deem expedient to be pulled down, and to level and clear the Ground whereon the same stand, and all other Ground to be purchased under this Act, in such Manner as they shall think proper, and, if they shall see fit, to sell or cause to be sold the Materials of the Houses and other Buildings so to be taken down and removed, and the Monies produced by the Sale thereof (after deducting the Expenses of pulling down such Houses and Buildings respectively, and of such Sale or Sales), and also the Rents and Profits of such Lands and Heritages as may be purchased or taken by virtue of this Act, until the same shall be pulled down or cleared, shall be received and applied by the Commissioners for the Purposes of this Act. Power to clear Ground and sell old Materials.

XIII. In case any Contract entered into in pursuance of this Act with the Commissioners, or in case all or any of the Works to be done in pursuance of this Act, shall not be well and sufficiently performed according to the Intent and Meaning of any Contract or Contracts to be entered into by the Commissioners for any of the Purposes of this Act, or shall not be completed within the Time or Times specified in such Contract or Contracts, then and in every such Case the Commissioners may cause an Action to be brought in any of Her Majesty's Courts of Law in Scotland against any such Contractor or Contractors, or their Sureties, for any Penalty contained in his Contract, and on Proof of the Nonperformance thereof at the Time or Times for that Purpose therein mentioned the Commissioners shall be entitled to and shall recover the full Penalty contained in any such Contract, any Law, Custom, or Usage to the contrary in anywise notwithstanding, which Penalty, when recovered, shall be applied to the Purposes of this Act: Provided always, that it shall be lawful for the Commissioners, if they think fit, to compound and agree with any such Contractor for any Penalty incurred by him or his Sureties for the Breach or Nonperformance of any such Contract, for such Sum of Money as the said Commissioners shall think proper. Power to bring Actions for Breach of Contract.

Commissioners may sell surplus Lands.

XIV. It shall be lawful for the Commissioners, from Time to Time, in such Manner as they may deem most advantageous, with Consent of the Commissioners of Her Majesty's Treasury, to sell, excamb, feu, or in any other Manner dispose of or to let, all or any of the Lands and Heritages purchased or acquired by them under the Authority of this Act, and which may not be required for the Purposes foresaid; and it shall be lawful for the Commissioners to execute all Conveyances, Deeds of Excambion, Feu Contracts, Leases, or other Writings that may be requisite and necessary therefor.

Lands acquired on Excambion to vest in Commissioners.

XV. All Lands and Heritages that may be acquired by the Commissioners on such Excambion shall vest in them upon the same Trusts and with the like Powers in all respects as hereby declared as to Lands and Heritages hereby authorized to be purchased.

Monies payable to Commissioners of Works to be paid to Paymaster General.

XVI. All Monies payable to the Commissioners under the Provisions of this Act arising from the Sale of any Materials, Lands, and Heritages, or otherwise, or which may be paid by way of Rent, Premium, Feu Duty, Compensation, or otherwise, shall be paid to Her Majesty's Paymaster General for the Time being, whose Receipt shall be a sufficient Discharge for the same to the Person or Persons paying the same; and such Monies so paid as aforesaid shall from Time to Time be by such Paymaster General paid over and applied as the Commissioners shall by any Order direct, and in the meantime shall be applied or invested in the Purchase of Exchequer Bills, if the Commissioners should so direct.

Lands sold by Commissioners to vest free of prior Claims.

XVII. Immediately from and after the Payment of any such Monies, and the Execution of any Conveyance, Deed of Excambion, Feu Contract, Lease, or other Writing as aforesaid, by the Commissioners, the Purchaser, Feuar, or Lessee therein named shall stand possessed of the Lands and Heritages so purchased by or feued or leased to him freed and disburdened of and from all prior Rights, Interests, Charges, Incumbrances, and Demands whatsoever, save and except such Rights, Interests, Charges, Incumbrances, or Demands as in any such Conveyance, Deed of Excambion, Feu Contract, Lease, or other Writing may be specially excepted.

Contracts made by First Commissioner of Works to be valid.

XVIII. All Contracts made by the First Commissioner of Her Majesty's Works and Public Buildings in the Execution of any of the Powers by this Act given to the Commissioners hereby incorporated as aforesaid shall be valid and binding on the Commissioners, as if the same had been under their Corporate Seal.

XIX. All

Notices by Commissioners.

XIX. All Notices which under this Act are to be given by the Commissioners may be given under the Hand of Donald Horne, Writer to the Signet, their Solicitor in Scotland, or of their Solicitor in Scotland for the Time being, or of Robert Matheson, their Surveyor of Works in Scotland, or of their Surveyor of Works in Scotland for the Time being.

Notices, &c. to Commissioners.

XX. All Notices and other Proceedings which under this Act are to be given to or served on the Commissioners shall be served on their said Solicitor or Surveyor of Works in Scotland for the Time being by being left at or transmitted through the Post to their respective Places of Business in Edinburgh.

Deeds, &c. not liable to Stamp Duty.

XXI. No Deed, Bond, Discharge, Receipt, or other Instrument which shall be made or executed by, to, or with the Commissioners, or otherwise, for any of the Purposes of this Act, shall be subject or liable to any Stamp Duty imposed by any Act now in force, nor to any Stamp Duty to be imposed by any future Act, unless such Instruments be specially subjected and specially charged therewith by any future Act.

Saving of Rights of Her Majesty.

XXII. Nothing herein contained shall defeat, abridge, or injuriously affect, in any Action, Suit, or other Proceedings, the legal Rights, Privileges, or Prerogatives of Her Majesty, Her Heirs and Successors; and in all such Actions, Suits, or other Proceedings commenced under or in pursuance of this Act, and in all Matters relating thereunto, it shall be lawful for the Commissioners to claim, exercise, and enjoy all the same Rights, Privileges, and Prerogatives which have been heretofore claimed, exercised, and enjoyed, in any Actions, Suits, or other Proceedings whatsoever in any Court of Law or Equity, by Her Majesty or Her Predecessors, in the same Manner as if the Subject Matter of the said Action, Suit, or other Proceeding were vested immediately in Her Majesty, Her Heirs or Successors, and as if Her Majesty, Her Heirs or Successors, were actually a Party to such Action, Suit, or other Proceeding.

Protection of Commissioners personally.

XXIII. Nothing contained in this Act, and nothing done under or in pursuance thereof, shall extend to charge the Commissioners or any of them with the Payment of any Penalty or Penalties, or to charge, affect, or make liable the Person or Persons of the Commissioners or of any of them, or their Heirs, Executors, or Administrators, or their own proper Lands, Tenements, Goods, Chattels, or Property, in, under, or by reason of any Actions, Suits, Arbitrations, or other Pro-

ceedings whatsoever, at Law, in Equity, or otherwise, instituted, agreed, made, or taken under or in pursuance of this Act, nor shall the Commissioners or any of them be personally liable, nor shall the Property of the Commissioners or any of them be liable, to any legal Process or Execution in any such Actions, Suits, Arbitrations, or other Proceedings as aforesaid.

SCHE-

SCHEDULE referred to in the foregoing Act.

The City Parish of Edinburgh, or Parishes of St. Andrew and Trinity College respectively, within the Royalty and City of Edinburgh.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
1.1.1.1. 1.	Building known as the "Theatre Royal," with Piazza, Area, and Cellars.	Mrs. Sarah Elizabeth Siddons or Grant, and William Patrick Grant of Rothiemurcus, her Husband, No. 20, Abercromby Place, Edinburgh; and Sir William Gibson Craig, of Riccarton, Baronet; James Gibson Craig, W.S., Edinburgh, and Major Arthur Mair, No. 29, Abercromby Place, Edinburgh, Trustees under their Marriage Contract; Mrs. Elizabeth Harriet Siddons or Mair, and the said Major Arthur Mair, her Husband, No. 29, Abercromby Place, Edin.; Miss Sarah Siddons, No. 14, Upper Wimpole Street, Cavendish Square, London; and the said William Patrick Grant of Rothiemurcus, John Brown, M.D., Rutland Street, Edinburgh, Professor Horace Hayman Wilson, No. 14, Upper Wimpole Street, Cavendish Square, London, William Richard Young, Oldfield Lodge, Maidenhead, Berks, and David Maclagan, C.A., No. 129, George Street, Edinburgh, her Curators.	Robert Henry Wyndham, No. 95, Princes Street, Edinburgh.	Robert Henry Wyndham, No. 95, Princes Street, Edinburgh.
2.2.2.2. 2.2.2.2. 2.2 2.2.	Tenement of Dwelling Houses, with Cellars, Areas, Outbuildings, Back-yard, and Wall.	James M'Laren, Boot and Shoe Maker, No. 6, Duncan Street, Drummond Place, Edinburgh; John Pattison, W.S., No. 16, Broughton Place, Edinburgh; Thomas Hill Pattison, M.D., No. 39, London Street, Edinburgh; Miss Joanna Pattison, No. 39, London St., Edinburgh; Mrs. Christina Beatrice Pattison or Anderson, and John Francis Anderson, both residing at Pau, South of France; the said John Pattison, W.S., Agent; Donald	Robert Smart, Tavern Keeper; Andw. Wood, Shakespeare Hotel; Donald Fraser; Jas. Clark, Spirit Dealer; Robert Dixson, Baker; Wm. Sibbald, Fruitseller; Alex. Lockhart Carstairs, Engraver; Mrs. Elizabeth Brotchie; John Hosea, Turner; Robert Ritchie, Shoemaker, all of No. 2, Shakespeare Square, Edinburgh.	Robert Smart, Tavern Keeper; Andw. Wood, Shakespeare Hotel; Donald Fraser; Jas. Clark, Spirit Dealer; Robert Dixson, Baker; Wm. Sibbald, Fruitseller; Alex. Lockhart Carstairs, Engraver; Mrs. Elizabeth Brotchie; John Hosea, Turner; Robert Ritchie, Shoemaker, all of No. 2, Shakespeare Square, Edinburgh.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		Fraser, No. 2, Shakespeare Square, Edinburgh; Mrs. Isabella Johnston, No. 11, Castle Street, Banff; Mrs. Jane Messer, Baker, Portobello; William Milne, No. 19, Broughton St., Edinburgh, for Behoof of himself and others; Mrs. Ann Donaldson or Dobie, and John Dobie her Husband, No. 7, Hill Place, Edinburgh; and Miss Wilhelmina Maria Donaldson, No. 19, Dundas Street, Edinburgh.		
3.3.3.3. 3.3.	Tenement of Dwelling Houses, with Cellars, Areas, Outbuildings, Back-yard, and Wall.	Miss Jane Thomson, No. 51, Broughton Street, Edinburgh; Charles Scott King, Spirit Dealer, No. 6, Shakespeare Square, Edinburgh; Robt. Dixson, Baker, No. 2, Shakespeare Square, Edinburgh; Wm. Archibald Thomson, No. 179, Causewayside, Curator for John Thomson and the other Children of the late John Charles Thomson, Spirit Dealer, Shakespeare Square, Edinburgh; Dr. John S. Mushet, Birkhill by Stirling; David Chisholm, No. 33, Montague Street, Edinburgh; J. Chisholm, No. 27, Booth St. East, Oxford Road, Manchester; J. Pattison, W.S., No. 16, Broughton Pl., Edinburgh; Thomas Hill Pattison, M.D., No. 39, London Street, Edinburgh; Miss Joanna Pattison, No. 39, London Street, Edinburgh; Mrs. Christina Beatrice Pattison or Anderson, and John Francis Anderson, both residing at Pau, South of France; the said John Pattison, W.S., Agent.	James Clark, Spirit Dealer, No. 4, Shakespeare Square, Edinburgh; Charles Scott King, Spirit Dealer, No. 6, Shakespeare Square, Edinburgh; Mrs. Isabella Hall, Mangle Keeper, No. 6, Shakespeare Square, Edin.; Thomas Currie, Tavern Keeper; David Currie, Boot Closer; Miss Jane Currie; Mrs. James Chisholm; William M'Ewen, Coachman; Robert Hunter, Engraver; Mrs. Janet Brown, Blackborderer; Mrs. John Greig; Mrs. Andrew Lee, all of No. 5, Shakespeare Square, Edinburgh.	James Clark, Spirit Dealer, No. 4, Shakespeare Square, Edinburgh; Charles Scott King, Spirit Dealer, No. 6, Shakespeare Square, Edinburgh; Mrs. Isabella Hall, Mangle Keeper, No. 6, Shakespeare Square, Edin.; Thomas Currie, Tavern Keeper; David Currie, Boot Closer; Miss Jane Currie; Mrs. James Chisholm; David M'Farlane; William M'Ewen, Coachman; Robert Hunter, Engraver; Mrs. Janet Brown, Blackborderer; Mrs. John Greig; Mrs. Andrew Lee, all of No. 5, Shakespeare Square, Edinburgh.
4.4.4.4 4. 4.	Tenement of Dwelling Houses, with Cellars, Areas, Outbuildings, Back-yard, and Wall.	Robt. Wilson, Plumber, No. 24, Earl Grey Street, Edinburgh; Miss Christina Moffat, No. 18, Elm Row, Edinburgh; William Moffat, Painter, No. 18, Elm Row, Edinburgh; George Sime, No. 14, Lauriston St., Edinburgh; Patrick Hunter, at present residing in America; James Readdie, Architect, Perth, Mandatory for the said Patrick Hunter.	Mrs. Isabella M'Laren, No. 104, Rose Street, Edinburgh; Donald Kennedy, Oyster Tavern; John Hutton, Silversmith; Charles Wallace, Joiner; Mrs. Helen Kay; Mrs. Marion Stewart, Mrs. Alexander Duff; Archibald Bathgate, Cabinet Maker; Mrs. Janet Park, all of No. 7, Shakespeare Square, Edinburgh.	Miss Julia Fitzclarence; Donald Kennedy, Oyster Tavern; William Barris; Miss Sarah Proctor; John Hutton, Silversmith; Charles Wallace, Joiner; Mrs. Helen Kay; Mrs. Marion Stewart; Mrs. Alexander Duff; Archibald Bathgate, Cabinet Maker; Mrs. Janet Park, all of No. 7, Shakespeare Square, Edinburgh.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
5.5.5.5. 5.5.5.	Tenement of Dwelling Houses, with Cellars, Areas, Outbuildings, Back-yard, and Wall.	Misses Margaret and Isabella Neillans, New Pentland by Loanhead; Dr. David Ramsay, No. 38, Broughton St., Edinburgh, Liferenter; Sir William Gibson Craig of Ricarton, Bart., Fiar.	Alexander Gray, Shoemaker; Duncan M'Cowan, Slater; John Robertson, Shoemaker; William Foote, Comedian; William Wood, Brassfounder; William Armet, Tailor; Daniel Stewart, Coachman; Mrs. John Kemp; Mrs. Jane Stephenson; Adam Howie, Bookbinder; Francis Murray, Jeweller; John Dunse, Slater; Mrs. Anne Mackenzie; Thomas Cochrane, Tailor, all of No. 8, Shakespeare Square, Edinburgh.	Alexander Gray, Shoemaker; Duncan M'Cowan, Slater; John Robertson, Shoemaker; William Foote, Comedian; William Wood, Brassfounder; William Armet, Tailor; Daniel Stewart, Coachman; Mrs. John Kemp; Mrs. Jane Stephenson; Adam Howie, Bookbinder; Francis Murray, Jeweller; John Dunse, Slater; Mrs. Anne Mackenzie; Thomas Cochrane, Tailor, all of No. 8, Shakespeare Square, Edinburgh.
6.6.6.6. 6.6.6.	Warehouse and Offices, with Areas and Cellars.	Francis Garden Mitchell, No. 23, East Claremont St., Edinburgh; Mrs. Isabella Wilson Scott or Alexander, and Dr. James T. Alexander, her Husband, No. 6, Stafford Street, Edinburgh; and Mrs. Alison, Graham Scott or Braund, and William Braund, her Husband, residing at Dartford, Kent.	Messrs. Fraser Hogg, Robert Honeyman, and John Wilson, junior, the individual Partners of the Firm of Hogg, Honeyman, and Wilson, Tea and Spice Merchants, No. 10, Shakespeare Sq., Edinburgh; Daniel Cormack and Son, Smiths and Ironmongers, No. 1, Leith Street Terrace, and ShakespeareSquare, Edinburgh.	Messrs. Fraser, Hogg, Robert Honeyman, and John Wilson, junior, the individual Partners of the Firm of Hogg, Honeyman, and Wilson, Tea and Spice Merchants, No. 10, Shakespeare Sq., Edinburgh; Daniel Cormack and Son, Smiths and Ironmongers, No. 1, Leith St. Terrace, and Shakespeare Square, Edinburgh.
7.7.7.7. 7.7.	Tenement occupied as Hotels and Taverns, with Areas and Cellars.	Mrs. Isabella Wilson Scott or Alexander, and Dr. James T. Alexander, her Husband, No. 6, Stafford Street, Edinburgh; and Mrs. Alison Graham Scott or Braund, and William Braund, her Husband, residing at Dartford, Kent.	Mrs. Jane Thomson or Paton, Tavern and Hotel Keeper, No. 11, Shakespeare Square, Edinburgh; Charles Campbell, Tavern and Hotel Keeper, No. 12, Shakespeare Sq., Edin.; Daniel Cormack & Son, Smiths and Ironmongers, No. 1, Leith Street Terrace, and Shakespeare Sq., Edinburgh.	Mrs. Jane Thomson or Paton, Tavern and Hotel Keeper, No. 11, Shakespeare Sq., Edinburgh; Charles Campbell, Tavern and Hotel Keeper, No. 12, Shakespeare Square, Edinburgh; Daniel Cormack & Son, Smiths and Ironmongers, No. 1, Leith Street Terrace, and Shakespeare Sq., Edinburgh
8.8.8.8. 8.8.8.	Back-yard, Sheds, and Workshops.	The same - -	Daniel Cormack and Son, Smiths and Ironmongers, No. 1, Leith Street Terrace, and Shakespeare Square, Edinburgh.	Daniel Cormack and Son, Smiths and Ironmongers, No. 1, Leith Street Terrace, and Shakespeare Square, Edinburgh.
9.9.9.9.	Stone Wall and Counterforts of North Bridge.	The Lord Provost, Magistrates, and Council of the City of Edinburgh, John Sinclair and James Laurie, conjunct City Clerks, No. 10, Royal Exchange, Edinburgh.	——	——
10.10. 10.	Sloping Bank of Earth and Water Tank and Part of Railway Station.	The North British Railway Company, James Nairne, Secretary, No. 4, Princes Street, Edinburgh.	- - - -	The North British Railway Company, James Nairne, Secretary, No. 4, Princes Street, Edinburgh.
11.11.	Retaining or Support Wall and Piece of Ground.	The same - -	- - - -	The same.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
12.	Ashpit - -	The Lord Provost, Magistrates, and Council of the City of Edinburgh, John Sinclair and James Laurie, conjunct City Clerks, No. 10, Royal Exchange, Edinburgh.	——	——
13.	Urinals - -	The same - - - -	- - - -	The Public.
14.	Shop called "The Box."	The Lord Provost, Magistrates, and Council of the City of Edinburgh, John Sinclair and James Laurie, conjunct City Clerks, No. 10, Royal Exchange, Edinburgh.	Messrs. James & John Gray, North British Advertiser Office, No. 8, Melbourne Place, Edinburgh.	Messrs. James & John Gray, North British Advertiser Office, No. 8, Melbourne Place, Edinburgh; David Mathers, Bookseller and News Agent, No. 71, Causewayside, Edinburgh.
15. 15. 15. 15. 15. 15. 15. 15. 15. 15. 15. 15. 15.	Streets, Paved Ways, Roadways, Stairs, and Passages.	The same, and the City of Edinburgh Paving Board, William Duncan, S.S.C., No. 1, Heriot Row, Edinburgh, Clerk.	- - - -	The Lord Provost, Magistrates, and Council of the City of Edinburgh, John Sinclair and James Laurie, conjunct City Clerks, No. 10, Royal Exchange, Edinburgh; the City of Edinburgh Paving Board, William Duncan, S.S.C., No. 1, Heriot Row, Edinburgh, Clerk.

The Lord Provost, Magistrates, and Council of the City of Edinburgh are the reputed Superiors of the whole of the Properties above described.

New General Post Office (Edinburgh).

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To confer Powers on the Commissioners of Her Majesty's Works and Public Buildings to acquire the Theatre Royal, Edinburgh, and adjacent Property, for the Erection of a new General Post Office; and for other Purposes.

(*Prepared and brought in by Lord John Manners and Mr. Hamilton.*)

Ordered, by The House of Commons, *to be Printed*, 25 *June* 1858.

[Bill 161.]

Under 2 oz.

A

B I L L

TO

Secure the Right of new Trial in Criminal Cases.

WHEREAS it is expedient to enlarge the Power of the Court of Queen's Bench to review the Proceedings of subordinate Courts of Criminal Jurisdiction: And whereas it has been doubted whether it is competent for that Court to remove any Indictment by Writ of Certiorari after Trial from any such subordinate Court, for the Purpose of reviewing the Proceedings at the Trial, and granting a new Trial; and it is expedient to remove such Doubts: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. It shall be competent for the said Court to remove by Writ of Certiorari any Indictment, after Trial as well as before Trial, for the Purpose aforesaid; and when any Indictment, with the Proceedings thereon, shall be removed as aforesaid, it shall be competent for the said Court to review the Proceedings at the Trial, and to order a new Trial, and otherwise deal with the said Indictment, in all respects and to all Intents and Purposes, in the same Manner as if it had been removed before Trial. Court of Queen's Bench may grant a Certiorari after Trial with a view to a new Trial.

Time within which Motion shall be made.

II. No such Writ of Certiorari to remove an Indictment after Verdict, with a view to an Application for a new Trial, shall issue unless the same be moved for within the first *Four* Days of the Term next after such Verdict shall have been given, or such further Period as the said Court of Queen's Bench shall by any General Rule of Practice direct: Provided always, that it shall and may be lawful for the said Court to grant to any Defendant, under special Circumstances, such further Time as to such Court shall seem meet for the Purpose of making any such Motion.

The Mode of serving the Rule Nisi, if granted.

III. Whenever upon such Motion as aforesaid a Rule Nisi shall be granted, the Defendant shall cause an Office Copy of such Rule Nisi to be served upon the Prosecutor or his Attorney, and upon Her Majesty's Attorney General; and whenever upon any such Motion as aforesaid such Rule shall be made absolute, the Defendant shall cause an Office Copy of such Rule to be served upon the Sheriff or Under Sheriff of the County in which such Defendant shall have been tried, and in case such Defendant shall be in Custody there, also upon the Gaoler or other Officer in whose Custody such Defendant shall happen to be: Provided always, that in case it shall be made to appear upon Affidavit to the Court that shall have granted any such Rule Nisi as aforesaid that the Prosecutor is dead or cannot be found, and that the Attorney General has had reasonable Notice in Writing thereof, it shall and may be lawful for such Court to hear and determine such Motion in like Manner as if the Prosecutor had been duly served with an Office Copy of such Rule Nisi as aforesaid.

Rule not to be made for default of showing Cause.

IV. No such Rule Nisi shall be made absolute merely on the Ground that no Person appears to show Cause against the same, but it shall be necessary for the Person obtaining such Rule to move to make the same absolute, when the Court shall hear and determine upon the Merits of the Case, and although no Person appears to show Cause shall either make absolute or discharge such Rule as they shall deem just.

Judge to report the Trial.

V. Whenever such Rule Nisi shall be granted by the Court of Queen's Bench, it shall be lawful for the Court to call for a Report of the Trial from the Judge who presided at the same.

Court shall have same Jurisdiction on new Trial as if no former Trial had been had.

VI. Whenever the Court of Queen's Bench shall make absolute any such Rule, and direct a new Trial, such new Trial shall proceed according to the Course of the Court in Cases of Indictments removed before Trial; and the Court of Queen's Bench, and any Judge before whom such new Trial shall take place, shall respectively have the same

same Power and Authority, and shall exercise the same Jurisdiction, over all the Proceedings in relation thereto or consequent thereon, as fully and effectually, to all Intents and Purposes, as if no such former Trial had been had, and the Indictment had been removed before Trial.

Recognizances of Witnesses to extend to new Trial.

VII. All Recognizances which shall have been entered into by Witnesses or others to appear and prosecute at any Trial shall be deemed and taken to bind such Persons to appear and prosecute at any new Trial which may take place under the Authority of this Act.

Evidence given at former Trial may be received at new one.

VIII. Whenever at any new Trial, under the Authority of this Act, it shall be proved to the Satisfaction of the Judge presiding thereat that any Person examined at a former Trial is dead, or that after due Diligence his Attendance at such new Trial cannot be procured, then and in such Case it shall be lawful for the Judge to receive Evidence of the Testimony given by such Witness at the former Trial, and such Testimony shall be received and submitted to the Jury as Evidence of the Facts deposed to in such Testimony, subject to all just Exceptions thereto.

Sentence may be immediately passed on Verdict, and shall be in force until Verdict set aside.

IX. Nothing herein contained shall prevent the passing of Sentence upon any Prisoner or Traverser who may be found guilty of any Crime or Misdemeanor before any Court of Criminal Jurisdiction, but such Sentence may be passed to all Intents and Purposes, and with the same Force and Effect, and shall and may be carried into effect, as if this Act had not been passed, unless and until such Verdict shall be set aside pursuant to the Provisions of this Act; and if after the passing of such Sentence the Verdict shall be set aside, the setting aside of such Verdict shall have the Effect of setting aside the Sentence as if same had been reversed upon a Writ of Error, except so far as such Reversal might be a Bar to a new Trial of the Case.

No Person to be transported beyond Seas until Time for applying for new Trial is passed.

X. Provided always, That in no Case shall any Person be actually transported beyond Seas under any Sentence or Rule of any Court until the Time hereby limited for applying for a new Trial shall have passed, nor in case a conditional Order for setting aside the Verdict shall have been granted until such Order shall have been finally disposed of by the Court.

If Verdict set aside, Court may direct Pri-

XI. Whenever the Court of Queen's Bench shall set aside such Verdict, and the Person so found guilty of an Offence shall have been actually committed in Execution under the Sentence pronounced

soner to be admitted to Bail;

upon such Verdict by any Inferior Court, then, if the Offence of which he was so found guilty shall be a bailable Offence, the Court may order and direct that he be admitted to Bail, in such Manner as they shall think just, to appear and stand his Trial before the Court before which such new Trial is to take place, and in default of such Bail such Person shall remain in Custody as an untried Prisoner until discharged therefrom in due Course of Law.

or to be remanded to the proper Custody.

XII. If such Person so found guilty shall have been actually committed in Execution for any Offence for which he has not a Right to be admitted to Bail, the Court of Queen's Bench shall make an Order that such Person shall remain in, or, as the Case may be, be remanded to the proper Custody in which a Prisoner committed for Trial upon the Offence of which he was so found guilty should remain; and such Order of the Court of Queen's Bench shall be a sufficient Warrant to any Gaoler either to keep, transfer, or to receive the Body of such Prisoner, and it shall have the Effect of a Committal for Trial, and the Person named therein shall remain in the Custody to which he shall be so committed until he shall be lawfully admitted to Bail, or otherwise discharged by due Course of Law.

Rule Nisi shall stay Execution.

XIII. Whenever any Rule Nisi of the Court of Queen's Bench shall be made for setting aside a Verdict in any Case in which Sentence of Death shall be pronounced, such Rule Nisi shall have the Effect of respiting the Execution of such Sentence; and the Service of a Copy of any such Rule shall be sufficient Warrant and Authority to the Sheriff or Gaoler or other Officer charged with the Execution of such Sentence, and such Sheriff, Gaoler, or other Officer is hereby required to abstain from executing same until the Application for a new Trial is finally disposed of by an Order of the Court of Queen's Bench.

If discharged Execution shall proceed.

XIV. After any Rule Nisi for a new Trial in such Case has been discharged by the Court, and the Rule discharging the same shall have been served upon any Sheriff, Gaoler, or other Officer charged with the Execution of the Sentence, such Rule Nisi shall no longer operate as a Respite or Stay of Execution, and the Execution of such Sentence shall proceed in due Course of Law.

Court may enter Verdict of Acquittal;

XV. And whereas it is expedient to make Provisions with reference to the further Proceedings in all Cases in which Verdicts shall hereafter be set aside, whether under the Authority of this Act or by the Power now exercised by the Court of Queen's Bench, and generally to regulate the Proceedings of Criminal Trials with reference to this Act: Be it enacted as follows: In any Case in which it shall manifestly

manifestly appear to the Court which shall hear any Application for setting aside a Verdict of Guilty that such Verdict ought to be set aside, and that upon a new Trial the accused Person must be entitled upon the true Facts of the Case to a Direction for an Acquittal, it shall be lawful for the said Court, if in their Discretion they shall think fit, to direct that the Verdict be set aside, and that Judgment of Acquittal be entered on the Record, and such Judgment shall have the same Force and Effect to all Intents and Purposes as a Judgment pronounced upon a Verdict of Not Guilty.

or direct Judgment to be arrested.

XVI. If upon the setting aside of any Verdict it shall manifestly appear to the Court by which the same shall be set aside that by means of any Defect in the Indictment or Inquisition, or from any other Reason, no valid Sentence can on a further Trial be pronounced, and, if such Court shall in their Discretion so think fit, it shall be lawful for the Court to make a Rule ordering the Judgment to be arrested, and such Rule shall have the same Force and Effect as if the Judgment upon such Verdict had been arrested by the Court having the proper Jurisdiction to give Judgment thereon.

Power to Courts of Oyer and Terminer, Gaol Delivery, and Sessions of the Peace, to grant new Trials.

XVII. And whereas it has been doubted whether Courts of Oyer and Terminer, Gaol Delivery, and Sessions of the Peace can grant new Trials in Cases tried before them respectively; and it is expedient to remove such Doubts: Be it enacted, That it shall be competent for such Courts to grant new Trials in all Cases tried before them respectively, whenever they shall think fit so to do.

Power reserved to Court for Consideration of Crown Cases to order a new Trial.

XVIII. Whenever any Question shall be reserved for the Consideration of the Court constituted under the Act passed in the Twelfth Year of Her Majesty's Reign, Chapter Seventy-eight, it shall be competent for the said Court to order a new Trial to be had, or to give such other Judgment as shall appear to the said Court to be right and just.

Writ of Error and Reservation of Points not affected hereby.

XIX. Nothing herein contained shall alter or affect the Right of any Person convicted of any Offence to bring a Writ of Error upon such Conviction, as he might have done if this Act had not been passed, nor in any Manner to alter, abridge, or affect the Right and Power of the Court of Queen's Bench to review the Proceedings of all Inferior Courts upon such Writs of Error, nor in any Manner to alter or affect the Power of any Judge to reserve any Question of Law under the Act passed in the Twelfth Year of the Reign of Her most Gracious Majesty, Chapter Seventy-eight, or in any way to affect any of the Provisions of the said Act: Provided always, that

Point reserved not to be made Ground of Application for new Trial.

when any Judge shall reserve any Point of Law, under the Provisions of the last-mentioned Act, the same Point shall not be entertained as a Ground of applying to the Court of Queen's Bench for a new Trial.

A Bill of Exceptions may be tendered.

XX. And whereas it has been doubted whether the Statute of Bill of Exceptions applies to Criminal Cases, and it is expedient to remove such Doubts: Be it enacted, That it shall and may be lawful for the Defendant or his Counsel, upon the Trial of any Indictment, at any Time before the Verdict shall be pronounced, to tender a Bill of Exceptions to the Opinion and Direction of the Court upon such Trial, upon any Matter of Law whatsoever: Provided always, that it shall be sufficient to tender the Substance of such Exception in Writing to the said Court before the Verdict shall have been pronounced, and the same shall be drawn up in Form within such a reasonable Time afterwards as such Court shall appoint, and that in every such Case it shall and may be lawful for such Defendant to sue

A Writ of Error allowed.

out from the Crown Office a Writ of Error in the Form in the Schedule hereunto annexed, and which said Writ of Error shall be granted upon a Certificate of any Serjeant-at-Law or Barrister-at-Law that he considers it a proper Case for a Writ of Error, and that it shall not be necessary in any such Case to obtain the Fiat of the Attorney General or Solicitor General for the issuing of such Writ, and such Writ of Error shall be served upon the Clerk of Assize or other Officer having the Custody of the Records of the Court before whom such Trial was had; and such Clerk of Assize or other Officer shall make a Copy of the Record, and annex thereto the Minutes of the Evidence, or the material Part thereof, and the Bill of Exceptions, which said Minutes and Bill of Exceptions shall be delivered to him by or on behalf of the Defendant for that Purpose, signed by the Court before whom the Defendant shall have been tried (which Signature such Court is hereby empowered and required to affix thereto), and shall transmit the same, together with the Writ of Error, to the Master of the Crown Office, to be by him produced before the

Writ of Error to the House of Lords.

Court of Queen's Bench, and such Court shall thereupon proceed to hear and determine the same; and that it shall and may be lawful for the Prosecutor or Defendant to bring a Writ of Error upon the Judgment of the Court of Queen's Bench to the Court of Exchequer Chamber, and upon the Judgment of the Court of Exchequer Chamber to the House of Lords, and the Proceedings for that Purpose shall be the same as may now by Law be had upon a Writ of Error in other criminal Cases from and to those Courts respectively: Provided always, that every Writ of Error brought under the Provisions of this Act shall be sued out within *One Month* after the Delivery of the Judgment upon which such Writ is issued, and not afterwards.

XXI. It

XXI. It shall not be necessary for any Defendant who is in Custody under Sentence to be present before the said Court of Queen's Bench during the hearing or determining of any Case under the Provisions of this Act, and every Judgment pronounced by the said Court under the Provisions of this Act, in the Absence of any Defendant, shall be as valid and effectual as if the Defendant had been present when the same was pronounced. The Defendant need not be present at the Motions in the Courts at Westminster.

XXII. Whenever any Motion shall be made which may render it necessary to produce a Copy of any Indictment or Record before the Court of Queen's Bench, the Defendant shall, before or at the Time of making such Motion as aforesaid, cause a Copy of such Indictment or Record, certified by the proper Officer, as herein-after provided, to be deposited with the proper Officer of the said Court: Provided always, that if in any Case such Copy shall not have been so deposited as aforesaid, and the Court shall think it necessary that such Copy should be produced, it shall and may be lawful for the said Court to order such Copy to be obtained by the Defendant, and deposited with such Officer as aforesaid, and for that Purpose to adjourn the Case till such Time as such Court shall think fit. Copies of the Record.

XXIII. In all Cases of Prosecution for any Crime or Misdemeanor, a Copy of the Indictment or Record shall be delivered, either before or after Sentence has been pronounced, to the Defendant or his Clerk in Court or Attorney, upon Application made for the same to the Clerk of Assize or other Officer who shall have the Custody of the same, at a reasonable Time and Place, on Payment of a reasonable Sum for the same not exceeding for each Folio of Ninety Words; and every such Copy shall be signed and certified to be a true Copy by the Clerk of Assize or such other Officer so having the Custody of such Indictment or Record, or by the Deputy of such Clerk or other Officer; and every such Copy purporting to be signed and certified as aforesaid shall be deemed and taken for all Intents and Purposes whatsoever to be as good and effectual as the Indictment or Record whereof it is a Copy, without Proof of the Signature or official Character of the Person appearing to have signed the same; and every such Clerk of Assize, Officer, or Deputy as aforesaid who shall certify any Writing as a true and authentic Copy of any Indictment or Record, knowing the same to be false in any material Part, and every Person who shall counterfeit the Signature of any such Clerk, Officer, or Deputy as aforesaid for the Purpose of counterfeiting or certifying Copy of any Indictment or Record, or shall utter any such Copy of any Indictment or Record with a false or counterfeit Signature thereto, knowing the same to be false or counterfeit, or shall utter any Writing as a true and authentic Copy of Copy of Indictment to be delivered before or after Trial, on Application of Defendant.

of any Indictment or Record so certified as aforesaid, knowing the same to be false in any material Part, shall be guilty of Felony, and being duly convicted thereof shall be liable, at the Discretion of the Court, to be *transported beyond the Seas for Life*, or for any Term not less than *Seven* Years, or to be imprisoned for any Term not exceeding *Four* Years.

Records may be removed from General or Quarter Sessions to be held at the Assizes, either in the Criminal or the Civil Side thereof, or by a Special Jury.

XXIV. And whereas it is sometimes expedient and conducive to the Ends of Justice that an Indictment found at the General or Quarter Sessions of the Peace should be tried at the Assizes to be holden for the same County wherein such Court of Sessions is holden, or that an Indictment found at the Assizes should be tried by a Special Jury or on the Civil Side: Be it therefore enacted, That it shall and may be lawful for the Court of Queen's Bench, or any Judge of the said Court, to order that any Indictment found at any General or Quarter Sessions of the Peace shall be tried at the Assizes to be holden in the same County wherein the said Court of Sessions is holden, either on the Civil or Crown Side, either by a Common or Special Jury, or that any Indictment found at the Assizes shall be tried by a Special Jury either on the Civil or Crown Side; and in every Case where such Indictment shall be ordered to be tried by a Special Jury, such Jury shall be struck in the Manner provided in and by the Statutes relating to the Trial of Civil Causes by Special Juries; and where any Indictment found at any Quarter Sessions shall be ordered to be tried at the Assizes, the Clerk of the Peace or his Deputy shall, upon being served with an Office Copy of such Rule or Order, transmit such Indictment to the Clerk of the Assize for the County where such Indictment was found, or where such Indictment shall be ordered to be tried; and that every Trial, and all Proceedings had under and by virtue of any such Order, shall be as good, valid, and effectual, to all Intents and Purposes, as if the same Trial and Proceedings had taken place in the usual and ordinary Course; and every Court before whom any Trial shall take place by virtue of any such Order shall have the same Power, Jurisdiction, and Authority to pass Sentence, to award Costs, and to do all other Matters and Things, to all Intents and Purposes as the Court before which the Indictment so ordered to be tried would have been tried in the ordinary Course.

Indictments may, without Removal by Writ of Certiorari or of Error, be quashed, or the Judgments

XXV. And whereas the Removal of Indictments and Records by Writs of Certiorari and Writs of Error, for the Purpose of objecting to the Sufficiency thereof, is frequently attended with great and unnecessary Expense and Delay: For Remedy thereof be it enacted, That it shall and may be lawful for any Prosecutor or Defendant in any Case of Felony or Misdemeanor to apply by Motion to any of the

the said Courts at Westminster, upon Production of such certified Copy of any Indictment or Record as aforesaid, to quash such Indictment, or to reverse or amend the Judgment contained in such Record, and to pass the proper Judgment thereon; and that every Judgment pronounced by any of the said Courts at Westminster upon any such Copy of any Indictment or Record as aforesaid shall be of the same Force and Effect as if the same had been pronounced upon such Indictment or Record after the same had been removed by Writ of Certiorari or Writ of Error. thereon reversed or amended.

XXVI. In this Act the Word "Defendant" shall be construed to include any Person or Persons, or the Inhabitants of any County, Riding, Borough, County of a City, County of a Town, Parish, Township, Hundred, or any other District, or any Body Corporate indicted for any Offence; and the Word "Indictment" shall be construed to intend any Indictment, Information, Presentment, or Inquisition; and the Word "Record" shall be construed to include all Rolls, Records, Writs, and Documents whatsoever in the Nature of Records; and the Word "County" shall be construed to include any County, Riding, County of a City, County of a Town, City, Cinque Port, Borough, or Town Corporate; and the Word "Court" shall be construed to include every Judge of Assize, Oyer and Terminer or Gaol Delivery, Recorder, or Court of General or Quarter Sessions of the Peace, or Judge, or Chairman, Justice or Justices thereof respectively; and the Words "Court of Queen's Bench" shall include the Court of Queen's Bench in England and Ireland respectively. Interpretation Clause.

XXVII. This Act shall commence and take effect from and after the *First Day of October One thousand eight hundred and fifty-eight.* Commencement of Act.

The SCHEDULE to which this Act refers.

Form of Writ of Error.

VICTORIA, by the Grace of God, *&c.* [*here describe the Court to which the Writ is to be sent*]: Forasmuch as in the Record and Process, as also giving Judgment upon a certain Indictment [Inquisition, *&c.*, *as the Case may be*] against One [*Defendant's Name*], for a certain Felony [*or* Misdemeanor; *here state briefly the Offence*], whereof the said [*Defendant's Name*] is convicted, as it is said manifest Error hath intervened; We, willing that the said Error, if any, should be duly corrected, do command you, that if Judgment be given thereupon, then you send to Us, under Our Crown Office, under your Seals or the Seals of One of you [*as the Case may be*], the Record and Process aforesaid, with all Things touching the same, so that they may be in the said Crown Office on the Day of now next, in order to be produced before Our Court of at Westminster.

Witness Ourselves, the Day of in the Year of Our Reign.

New Trial in Criminal Cases.

A

BILL

To secure the Right of new Trial in Criminal Cases.

(*Prepared and brought in by Mr. M'Mahon and Mr. Butt.*)

Ordered, by The House of Commons, *to be Printed*, 15 *June* 1858.

[Bill 137.]

Under 2 oz.

A

BILL

TO

Extend the Act of the Twenty-fourth Year of King George the Third, Chapter Twenty-six, for issuing Writs during the Prorogation or Adjournment of the House of Commons.

WHEREAS Provision is made by the Twenty-fourth of George the Third, Chapter Twenty-one, for the issuing of Writs during the Adjournment or Prorogation of the House of Commons in certain Cases: And whereas the said Act has been found advantageous to the Public, by causing speedy Elections, and it is expedient that the Provisions thereof be further extended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Speaker to issue Warrants for making out new Writs in the Room of Members accepting certain Offices.

I. From and after the *passing of this Act*, it shall and may be lawful for the Speaker of the House of Commons, during any Prorogation or Adjournment, to issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Member of the House in the Room of any Member who has, since such Adjournment or Prorogation, accepted any Office whereby he has become disqualified from continuing to be a Member of the House of Commons, so soon as he shall have been gazetted thereto in any of the Queen's

Gazettes, and a Notice thereof shall have been sent to the Speaker by a Certificate under the Hands of Two Members of the House Commons.

Suspension of Warrant on Notice from Members concerned.

II. Provided always, That the said Speaker shall forthwith, after receiving such Certificate, cause Notice thereof to be sent to the Person therein stated to have vacated his Seat; and in case such Person shall notify to the Speaker before the issuing of his Warrant that the Seat has not been so vacated, the issuing of such Warrant shall be suspended until the Order of the House of Commons in that Behalf, whereof the Speaker shall cause Notice to be given in the London Gazette.

Previous Notice when unnecessary.

III. The Proceedings mentioned in Clause II. shall not be necessary where the Person stated to have vacated his Seat shall previously have signified to the Speaker in Writing that he has accepted such Office and has vacated his Seat.

24 G. 3. c. 26. incorporated with this Act.

IV. All the other Provisions of the said recited Act shall be applicable to the Cases provided for in this Act.

Short Title.

V. This Act may be cited as the "Election of Members during Recess Act, 1858."

New Writs.

A

BILL

To extend the Act of the Twenty-fourth Year of King George the Third, Chapter Twenty-six, for issuing Writs during the Prorogation or Adjournment of the House of Commons.

(*Prepared and brought in by Mr. Collins and Mr. Ayrton.*)

Ordered, by The House of Commons, *to be Printed,* 8 *July* 1858.

[Bill 189.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Extend the Act of the Twenty-fourth Year of King George the Third, Chapter Twenty-six, for issuing Writs during the Prorogation or Adjournment of the House of Commons.

[*The Clauses marked* A. *and* B. *were added in Committee.*]

WHEREAS Provision is made by the Twenty-fourth of George the Third, Chapter Twenty-six, for the issuing of Writs during the Adjournment or Prorogation of the House of Commons in certain Cases: And whereas the said Act has been found advantageous to the Public, by causing speedy Elections, and it is expedient that the Provisions thereof be further extended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. From and after the passing of this Act, it shall and may be lawful for the Speaker of the House of Commons, subject to any Orders which the said House may from Time to Time make for regulating or suspending the Exercise of the Powers herein-after given, during any Prorogation or Adjournment, to issue his Warrant to the Clerk Speaker to issue Warrants for making out new Writs in the Room of Members

accepting certain Offices.

Clerk of the Crown to make out a new Writ for electing a Member of the House in the Room of any Member who has, since such Adjournment or Prorogation, accepted any Office whereby he has, either by express Enactment or by any previous Determination of the House of Commons, become disqualified from continuing to be a Member of the House of Commons, so soon as he shall have been gazetted thereto in any of the Queen's Gazettes, and a Notice thereof shall have been sent to the Speaker by a Certificate under the Hands of Two Members of the House of Commons.

CLAUSE A. Certificates of Vacancies to be notified in Gazette.

II. Provided always, That the said Speaker shall forthwith, after receiving such Certificate, cause Notice thereof to be inserted in the London Gazette, and shall not issue his Warrant until Fourteen Days after the Insertion of such Notice in the London Gazette.

CLAUSE B. Suspension of Warrant on Notice from Member or on account of defective Service.

III. Provided also, That when the Person stated to have accepted such Office, and to have vacated his Seat, has not previously signified to the said Speaker, in Writing, that he has accepted such Office, and has vacated his Seat, the said Speaker shall forthwith, after receiving such Certificate, cause Notice thereof to be sent to him, and in case he shall notify to the said Speaker, before the issuing of his Warrant, that the Seat has not been so vacated, or in case the said Speaker shall not be able to cause the said Notice to be so sent, the issuing of such Warrant shall be suspended until the Order of the House of Commons in that Behalf, whereof the Speaker shall cause Notice to be given in the London Gazette.

24 G. 3. c. 26. incorporated with this Act.

IV. All the other Provisions of the said recited Act shall be applicable to the Cases provided for in this Act.

Short Title.

V. This Act may be cited as the "Election of Members during Recess Act, 1858."

New Writs.

A

BILL

[AS AMENDED IN COMMITTEE]

To extend the Act of the Twenty-fourth Year of King George the Third, Chapter Twenty-six, for issuing Writs during the Prorogation or Adjournment of the House of Commons.

(*Prepared and brought in by Mr. Collins and Mr. Ayrton.*)

Ordered, by The House of Commons, *to be Printed,* 16 *July* 1858.

[Bill 218.]

Under 1 *oz.*

A

BILL

[AS AMENDED IN COMMITTEE AND ON RECOMMITMENT]

TO

Extend the Act of the Twenty-fourth Year of King George the Third, Chapter Twenty-six, for issuing Writs during the Prorogation or Adjournment of the House of Commons.

Preamble.

WHEREAS Provision is made by the Twenty-fourth of George the Third, Chapter Twenty-six, for the issuing of Writs during the Adjournment or Prorogation of the House of Commons in certain Cases: And whereas the said Act has been found advantageous to the Public, by causing speedy Elections, and it is expedient that the Provisions thereof be further extended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Speaker to issue Warrants for making out new Writs in the Room of Members

I. From and after the passing of this Act, it shall and may be lawful for the Speaker of the House of Commons, during any Prorogation or Adjournment, to issue his Warrant to the Clerk of the Crown to make out a new Writ for the Election of a Member of the House in the Room of any Member who has, since such

 Adjourn-

accepting certain Offices.

Adjournment or Prorogation, accepted any Office whereby he has, either by the express Provision of any Act of Parliament or by any previous Determination of the House of Commons, vacated his Seat in the House of Commons, so soon as he shall have been gazetted thereto in any of the Queen's Gazettes, and a Notice thereof, together with a Copy of the Gazette, shall have been sent to the Speaker by a Certificate under the Hands of Two Members of the House of Commons, according to the Form in the Schedule to this Act annexed, or to the like Effect.

CLAUSE C. If Speaker in doubt, Warrant not to issue.

II. Provided always, That in any Case in which it shall appear to the Speaker to be doubtful whether the Acceptance of any Office which has been certified to him as aforesaid has the Effect of vacating the Seat of the Person so appointed, it shall be lawful for the said Speaker, instead of issuing his Warrant in pursuance of this Act, to reserve such Question for the Decision of the House.

CLAUSE A. Certificates of Vacancies to be notified in Gazette.

III. Provided also, That the said Speaker shall forthwith, except as aforesaid, after receiving such Certificate, cause Notice thereof to be inserted in the London Gazette, and shall not issue his Warrant until Fourteen Days after the Insertion of such Notice in the London Gazette.

CLAUSE B. Suspension of Warrant on Notice from Member or on account of defective Service.

IV. Provided also, That when the Person stated to have accepted such Office, and to have vacated his Seat, has not previously signified to the said Speaker, in Writing, that he has accepted such Office, and has vacated his Seat, the said Speaker shall forthwith, after receiving such Certificate, cause Notice thereof to be sent to him, and in case he shall notify to the said Speaker, before the issuing of his Warrant, that the Seat has not been so vacated, or in case the said Speaker shall not be satisfied that the said Notice has reached the said Person, the issuing of such Warrant shall be suspended until the Order of the House of Commons in that Behalf, whereof the Speaker shall cause Notice to be given in the London Gazette.

24 G. 3. c. 26. incorporated with this Act.

V. All the other Provisions of the said recited Act shall be applicable to the Cases provided for in this Act.

Short Title.

VI. This Act may be cited as the "Election of Members during Recess Act, 1858."

SCHE-

SCHEDULE.

We whose Names are underwritten, being Two Members of the House of Commons, do hereby certify that *M.P.*, late a Member of the said House, serving as One of the Knights of the Shire for the County of [*or as the Case may be*], has accepted the Office of Member of the Council for India [*or as the Case may be*], and has been gazetted thereto in the Gazette, dated the Day of , and has thereby vacated his Seat; and we give you this Notice, to the Intent that you may issue your Warrant to the Clerk of the Crown to make out a new Writ for the Election of a Knight to serve in Parliament for the said County of [*or as the Case may be*], in the Room of the said *M.P.*

Given under our Hands, this Day of .

A.B.
C.D.

To the Speaker of the House of Commons.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RECOMMITMENT]

To extend the Act of the Twenty-fourth Year of King George the Third, Chapter Twenty-six, for issuing Writs during the Prorogation or Adjournment of the House of Commons.

(*Prepared and brought in by Mr. Collins and Mr. Ayrton.*)

Ordered, by The House of Commons, *to be Printed*, 19 *July* 1858.

[Bill 223.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE, ON RECOMMITMENT, AND ON SECOND RECOMMITMENT]

TO

Extend the Act of the Twenty-fourth Year of King George the Third, Chapter Twenty-six, for issuing Writs during the Prorogation or Adjournment of the House of Commons.

WHEREAS Provision is made by the Twenty-fourth of George the Third, Chapter Twenty-six, for the issuing of Writs during the Adjournment or Prorogation of the House of Commons in certain Cases: And whereas the said Act has been found advantageous to the Public, by causing speedy Elections, and it is expedient that the Provisions thereof be further extended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. From and after the passing of this Act, it shall and may be lawful for the Speaker of the House of Commons, during any Prorogation or Adjournment, to issue his Warrant to the Clerk of the Crown to make out a new Writ for the Election of a Member of the House in the Room of any Member who has, since such Speaker to issue Warrants for making out new Writs in the Room of Members

 Adjourn-

accepting certain Offices.

Adjournment or Prorogation, accepted any Office whereby he has, either by the express Provision of any Act of Parliament or by any previous Determination of the House of Commons, vacated his Seat in the House of Commons, so soon as he shall have been gazetted thereto in any of the Queen's Gazettes, and a Notice thereof, together with a Copy of the Gazette, shall have been sent to the Speaker by a Certificate under the Hands of Two Members of the House of Commons, according to the Form in the Schedule to this Act annexed, or to the like Effect.

CLAUSE D. Notice required from Members concerned.

II. Provided also, That any Member of the House of Commons accepting any such Office as aforesaid shall forthwith notify his Acceptance thereof to the Speaker, either by Writing under the Hand of such Member or by his countersigning the said Certificate relating to such Acceptance, and the said Certificate shall be null, and the Speaker shall not issue his Warrant in pursuance of this Act, without having previously received such Notification.

CLAUSE C. If Speaker in doubt, Warrant not to issue.

III. Provided always, That in any Case in which it shall appear to the Speaker to be doubtful whether the Acceptance of any Office which has been certified to him as aforesaid has the Effect of vacating the Seat of the Person so appointed, it shall be lawful for the said Speaker, instead of issuing his Warrant in pursuance of this Act, to reserve such Question for the Decision of the House.

24 G. 3. c. 26. incorporated with this Act.

IV. All the other Provisions of the said recited Act shall be applicable to the Cases provided for in this Act.

Short Title.

V. This Act may be cited as the "Election of Members during Recess Act, 1858."

SCHE-

SCHEDULE.

We whose Names are underwritten, being Two Members of the House of Commons, do hereby certify that *M.P.*, late a Member of the said House, serving as One of the Knights of the Shire for the County of [*or as the Case may be*], has accepted the Office of Member of the Council for India [*or as the Case may be*], and has been gazetted thereto in the Gazette, dated the Day of , and has thereby vacated his Seat; and we give you this Notice, to the Intent that you may issue your Warrant to the Clerk of the Crown to make out a new Writ for the Election of a Knight to serve in Parliament for the said County of [*or as the Case may be*], in the Room of the said *M.P.*

Given under our Hands, this Day of .

A.B.
C.D.

To the Speaker of the House of Commons.

A

BILL

[AS AMENDED IN COMMITTEE, ON RECOMMITMENT, AND ON SECOND RECOMMITMENT]

To extend the Act of the Twenty-fourth Year of King George the Third, Chapter Twenty-six, for issuing Writs during the Prorogation or Adjournment of the House of Commons.

(*Prepared and brought in by Mr. Collins and Mr. Ayrton.*)

Ordered, by The House of Commons, *to be Printed*, 22 *July* 1858.

[Bill 232.]

Under 1 *oz.*

A

B I L L

[AS AMENDED BY THE LORDS]

INTITULED

An Act to extend the Act of the Twenty-fourth Year of King George the Third, Chapter Twenty-six, for issuing Writs during ~~the Prorogation or Adjournment~~ *any Recess* of the House of Commons, *whether by Prorogation or Adjournment.*

[Note.—*The Words struck through were omitted and the Words and Clause in Italics were inserted by the Lords.*]

WHEREAS Provision is made by the Twenty-fourth of George the Third, Chapter Twenty-six, for the issuing of Writs ~~during the Adjournment or Prorogation of the House of Commons in certain Cases~~ *by Warrant of the Speaker of the House of Commons during any Recess of the said House, whether by Prorogation or Adjournment*: And whereas the said Act has been found advantageous to the Public, by causing speedy Elections, and it is expedient that the Provisions thereof be further extended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Speaker to issue Warrants for making out new Writs in the Room of Members

I. From and after the passing of this Act, it shall and may be lawful for the Speaker of the House of Commons ~~during any Prorogation or Adjournment~~, *for the Time being during any Recess of the House as aforesaid*, to issue his Warrant to the Clerk of the Crown to make out a new Writ for the Election of a Member

of

accepting certain Offices.

of the House in the Room of any Member who has, since such Adjournment or Prorogation, accepted any Office whereby he has, either by the express Provision of any Act of Parliament or by any previous Determination of the House of Commons, vacated his Seat in the House of Commons, so soon as he shall have been gazetted thereto in any of the Queen's Gazettes, and a Notice thereof, together with a Copy of the Gazette, shall have been sent to the Speaker by a Certificate under the Hands of Two Members of the House of Commons, according to the Form in the Schedule to this Act annexed, or to the like Effect.

Notice required from Members concerned.

II. Provided ~~also,~~ *always*, That any Member of the House of Commons accepting any such Office as aforesaid shall forthwith notify his Acceptance thereof to the Speaker, either by Writing under the Hand of such Member or by his countersigning the said Certificate relating to such Acceptance, ~~and the said Certificate shall be null,~~ and the Speaker shall not issue his Warrant in pursuance of this Act without having ~~previously~~ received such Notification, *and until Fourteen Days after he shall have caused Notice of his having received such Certificate and Notification to be inserted in the London Gazette.*

If Speaker in doubt, Warrant not to issue.

III. Provided always, That in any Case in which it shall appear to the Speaker to be doubtful whether the Acceptance of any Office which has been certified to him as aforesaid has the Effect of vacating the Seat of the Person so appointed, it shall be lawful for the said Speaker, instead of issuing his Warrant in pursuance of this Act, to reserve such Question for the Decision of the House.

Clause (A.) Act not to apply to certain Offices.

Provided always, That this Act shall not in any way apply to the Acceptance of any of the following Offices; that is to say, the Office of Steward or Bailiff of Her Majesty's Three Chiltern Hundreds of Stoke, Desborough, and Bonenham, or of the Manor of East Hendred, or of the Manor of Northstead, or of the Manor of Hempholme, or of Escheator of Munster.

24 G. 3. c. 26. incorporated with this Act.

IV. All the other Provisions of the said recited Act shall be applicable to the Cases provided for in this Act.

Short Title.

V. This Act may be cited as the "Election of Members during Recess Act, 1858."

SCHE-

SCHEDULE.

We whose Names are underwritten, being Two Members of the House of Commons, do hereby certify that *M.P.*, late a Member of the said House, serving as One of the Knights of the Shire for the County of [*or as the Case may be*], has accepted the Office of Member of the Council for India [*or as the Case may be*], and has been gazetted thereto in the Gazette, dated the Day of , and has thereby vacated his Seat; and we give you this Notice, to the Intent that you may issue your Warrant to the Clerk of the Crown to make out a new Writ for the Election of a Knight to serve in Parliament for the said County of [*or as the Case may be*], in the Room of the said *M.P.*

Given under our Hands, this Day of .

A.B.
C.D.

To the Speaker of the House of Commons.

A

BILL

[AS AMENDED BY THE LORDS]

INTITULED

An Act to extend the Act of the Twenty-fourth Year of King George the Third, Chapter Twenty-six, for issuing Writs during ~~the Prorogation or Adjournment~~ *any Recess* of the House of Commons, *whether by Prorogation or Adjournment.*

Ordered, by The House of Commons, *to be Printed,* 29 *July* 1858.

[Bill 247.]

Under 1 *oz.*

(Ireland.)

A

B I L L

TO

Appoint a Clerk of Nisi Prius for the Consolidated Nisi Prius Court in Ireland.

WHEREAS by the Twenty-ninth Section of the Thirteenth and Fourteenth Victoria, Chapter Eighteen, and the Two hundred and thirty-sixth Section of the Sixteenth and Seventeenth Victoria, Chapter One hundred and thirteen, certain Duties of attending the Consolidated Nisi Prius Court as Clerk of Nisi Prius were imposed upon the Registrars of the Lord Chief Justices and Lord Chief Baron of the Superior Courts of Common Law in Ireland: And whereas by the Fifth Section of the Nineteenth and Twentieth Victoria, Chapter One hundred and two, certain other Duties were imposed upon the said Registrars: And whereas it has been found inconvenient to have the Duties of Clerk of Nisi Prius to the said Consolidated Nisi Prius Court discharged by Three different Officers, and it is expedient to appoint One Permanent Clerk of Nisi Prius for the said Consolidated Nisi Prius Court, to discharge the Duties thereof so imposed upon the said Registrars as aforesaid, and which said Officer should also discharge the said additional Duties imposed by the said Fifth Section of the Nineteenth and Twentieth Victoria, Chapter One hundred and two, upon the said Registrars as aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Preamble

 Consent

Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Appointment of Clerk of Nisi Prius.

I. There shall be a permanent Registrar or Clerk of Nisi Prius for the Discharge of the Duties of the said Consolidated Nisi Prius Court, who shall discharge the Duties imposed by the said Fifth Section of the Nineteenth and Twentieth Victoria, Chapter One hundred and two, upon the said Registrars as aforesaid; and such Registrar or Clerk of Nisi Prius shall receive by way of Salary an annual Sum not exceeding *Three hundred Pounds*, to be payable out of or chargeable upon such Sums as Parliament shall from Time to Time provide for the Purpose.

Thomas Courtenay, Esq., to be such Clerk of Nisi Prius.

II. That Thomas Courtenay, Esquire, the present Registrar of the Lord Chief Justice of Ireland, be and he is hereby appointed such Clerk of Nisi Prius for the Discharge of the aforesaid Duties; and when and so often as a Vacancy shall occur in the said Office of Registrar or Clerk of Nisi Prius by Death, Resignation, or otherwise, it shall be lawful for the Lord Chief Justices and Lord Chief Baron of the said Superior Courts of Common Law, in rotation, to nominate and appoint some fit and proper Person to fill such vacant Office, the next Appointment to be made by the Chief Justice of the Common Pleas.

Nisi Prius Court (Ireland).

A

BILL

TO

Appoint a Clerk of Nisi Prius for the Consolidated Nisi Prius Court in Ireland.

(*Prepared and brought in by Mr. Attorney General for Ireland and Mr. Hamilton.*)

Ordered, by The House of Commons, *to be Printed,* 2 *June* 1858.

[Bill 102.]

Under 1 *oz.*

4 *May* 1858. 21 Vict.

A

BILL

TO

Amend the Act concerning Non-parochial Registers, and the Acts for Marriages, and for registering Births, Deaths, and Marriages, in England, and concerning Vaccination.

WHEREAS by an Act passed in the Session of Parliament holden in the Third and Fourth Years of Her Majesty (Chapter Ninety-two), "for enabling Courts of Justice to "admit Non-parochial Registers as Evidence of Births or Baptisms, "Deaths or Burials, and Marriages," Provisions were made for the Deposit in the General Register Office of certain Non-parochial Registers, and for making the same receivable in Evidence, and other Provisions were thereby made in relation to such Registers: And whereas by Commission under the Great Seal, bearing Date the First Day of January in the Twentieth Year of the Reign of Her Majesty, certain Persons were appointed Commissioners to inquire into the State, Custody, and Authenticity of any Registers or Records of Births or Baptisms, Deaths or Burials, and Marriages lawfully solemnized, kept in England or Wales, other than the Parochial Registers, and the Copies thereof deposited with the Diocesan Registrars, and which had not been inquired into and examined by certain former Commissioners, and also for inquiring whether any and what Measures could be beneficially

Preamble. 3 & 4 Vict. c. 92.

adopted for collecting and arranging all or any of such Registers or Records, and for depositing the same, or Copies thereof, in the Office of the Registrar General of Births, Deaths, and Marriages in England, or for otherwise preserving the same, and also for considering and advising the proper Measures to be adopted for giving full Force and Effect as Evidence in all Courts of Justice to all such Registers as were found accurate and faithful, and for facilitating the Production and Reception of the same: And whereas by the Report of the said Commissioners, bearing Date the Thirty-first Day of December One thousand eight hundred and fifty-seven, it appears that they have received Two hundred and ninety-two Non-parochial Registers or Records, and that of this Number Two hundred and sixty-five have after Examination, as in such Report mentioned, been judged by them to be accurate and faithful, and that a Certificate to that Effect, and signed by Three of the said Commissioners, has been affixed to each of such Two hundred and sixty-five Registers or Records; that there are certain Cases, however, where only some of the Entries have been found accurate and faithful, and that in these Cases the Certificate has been so framed as clearly to distinguish such Entries from the rest, and to confine the Sanction of the Commissioners to the unobjectionable Portion of the Registers; and a complete List of the Registers thus wholly or partially sanctioned by the said Commissioners is annexed to their Report in the Appendix (A.) thereto; and the said Commissioners have by their said Report recommended that a Bill be introduced into Parliament providing that the Registers or Records in the Custody of the said Commissioners, and certified in the Manner described (and hereinbefore mentioned), should be deposited in the General Register Office in the Custody of the Registrar General of Births, Deaths, and Marriages in England, and should then be deemed to be in legal Custody and be receivable in Evidence in all Courts of Justice, subject as in the said Report mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Certain Registers to be deposited with the Registrar General.

I. The Registrar General of Births, Deaths, and Marriages in England shall receive and deposit in the General Register Office all the Registers and Records of Births, Baptisms, Deaths, Burials, and Marriages now in the Custody of the said Commissioners, and which they have by their said Report recommended to be deposited in the General Register Office in the Custody of the said Registrar General, and which are mentioned in Appendix (A.) to their said Report.

Certain other Registers may

II. And whereas certain Non-parochial Registers and Records in addition to those mentioned in the said Report of the said Commissioners

sioners were sent to them before the Date of such Report, but too late to allow of such Registers or Records being examined and reported on by them, and other Non-parochial Registers or Records have been sent to them since the Date of their said Report: It shall be lawful for One of Her Majesty's Principal Secretaries of State to appoint or authorize *Three* or more Persons to inquire into the State, Custody, and Authenticity of the Non-parochial Registers or Records of Births or Baptisms, Deaths or Burials, and Marriages, which have been sent to the said Commissioners as aforesaid, and have not been reported on by them, and such of the same Registers or Records as the Persons so authorized shall find accurate and faithful, they or *Three* of them shall certify under their Hands as fit to be placed with the other Registers and Records hereby directed to be deposited in the General Register Office, and the Registrar General, upon receiving the Certificate of such Persons and an Order of One of Her Majesty's Principal Secretaries of State for this Purpose, shall receive such Registers and Records and deposit them in the General Register Office.

be deposited in the Office after Examination by Order of Secretary of State.

III. The Provisions of the said Act of the Third and Fourth Years of Her Majesty, from Section Five to Section Nineteen, both inclusive, and the Rules, Orders, and Regulations made under the said Act, shall extend and be applicable to the Registers or Records deposited in the General Register Office under this Act, in like Manner as the same are applicable to the Registers or Records deposited under the said Act of the Third and Fourth Years of Her Majesty.

3 & 4 Vict. c. 92. ss. 5 to 19. to extend to the Registers deposited under this Act.

IV. So much of the Act of the Session holden in the Sixth and Seventh Years of King William the Fourth, Chapter Eighty-six, as enacts that the Salary of the Registrar General of Births, Deaths, and Marriages in England shall not at any Time exceed the Sum of One thousand Pounds yearly, shall be repealed; and it shall be lawful for the Commissioners of Her Majesty's Treasury to appoint from Time to Time the Salary of the said Registrar General, so that the same shall not at any Time exceed the Sum of
Pounds yearly; the Salary so to be appointed to be deemed to include the Remuneration for all Duties which under any Act or Acts of Parliament the said Registrar General is or may hereafter be appointed or required to perform.

Registrar General's Salary may be increased.

V. And whereas by Section Twenty-five of the Act of the Session holden in the Sixth and Seventh Years of King William the Fourth, Chapter Eighty-six, it was provided, that in every Case in which an Inquest should be held on any dead Body the Jury should inquire of the Particulars therein required to be registered concerning the Death,

Information of Particulars furnished by Coroner to be in Writing, and signed

by him, and Entry in Register need not be signed by him.

and the Coroner should inform the Registrar of the Finding of the Jury, and the Registrar should make the Entry accordingly; and it was by Section Twenty-eight of the same Act enacted, that every Person by whom the Information contained in any Register of Birth or Death under that Act should have been given should sign his Name, Description, and Place of Abode in the Register, and no Register of Birth or Death according to that Act should be given in Evidence which should not be signed by some Person professing to be the Informant, and to be such Party as was therein required to give such Information to the Registrar:

The Information to be furnished to any Registrar by a Coroner under the Provisions herein-before recited, shall be in Writing signed by the Coroner, which shall specify, in addition to the Particulars required as aforesaid, the Time and Place at which the Inquest was holden; and it shall not be necessary for the Coroner to sign his Name, Description, and Place of Abode in the Register, as required by Section Twenty-eight of the said Act; but the Registrar shall enter in the Column of the Register Book in which the Signature of the Informant of the Death is in other Cases required to be made a Memorandum as follows; "Information received from [*inserting the Name of the Coroner*], Coroner for Inquest held [*Date of Inquest*];" and any Register of Death containing such Entry shall be receivable in Evidence in like Manner as if signed by the Coroner as required by the Enactment in that Behalf herein-before recited; and the written Information furnished as aforesaid by the Coroner shall be kept by the Registrar until the Delivery by him to the Superintendent Registrar as required by Law, of a certified Copy of the Entry of such Death, and shall be delivered together with such certified Copy to the Superintendent Registrar, and shall be by him sent with such certified Copy to the Registrar General, and shall be thereafter kept in the General Register Office.

Enactments requiring Cost of Register Books, &c. to be paid to Registrar General, repealed.

VI. So much of the Acts of the Session holden in the Sixth and Seventh Years of King William the Fourth, Chapters Eighty-five and Eighty-six, and of an Act of the Session holden in the Seventh Year of King William the Fourth and the First Year of Her Majesty, Chapter Twenty-two, as provides that the Cost of Register Books of Births and Deaths, Marriage Register Books, and Forms of certified Copies thereof respectively, and of Marriage Notice Books furnished by the said Registrar General, shall be paid by Guardians, or by Churchwardens and Overseers, or by the Registering Officer of the Society of Friends called Quakers, or the Secretary of any Synagogue of Persons professing the Jewish Religion, and also so much of the said Act of the Sixth and Seventh Years of King William the Fourth, Chapter Eighty-five, as enacts that the Cost of

of Forms of Certificates for Marriages furnished by the said Registrar General to any Superintendent Registrar shall be accounted for by such Superintendent Registrar to the said Registrar General, shall be repealed.

Repeal of 16 & 17 Vict. c. 100. s. 11. Vaccination Forms to be furnished to Registrars, and delivered by them to Medical Officers and Practitioners.

VII. And whereas by the Act of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter One hundred, it was enacted, that the said Registrar General should within Two Months after the passing of that Act frame and provide such Books, Forms, and Regulations as he might deem requisite for carrying into full Effect the Provisions of that Act, and should transmit the same to the Superintendent Registrars of each District in England and Wales, who should deliver to the Medical Officers appointed as in the said Act mentioned, and other duly qualified Medical Practitioners in the said District, such of the said Books, Forms, and Regulations as they might require for the Performance of the Duties imposed upon them by that Act, and the Expenses to be incurred by the Registrar General under the Provisions of that Act should be defrayed in the same Manner as the Expenses under the said Act of the Sixth and Seventh Years of King William the Fourth, Chapter Eighty-five:

The said Enactment, except so much thereof as directs the Registrar General to frame and provide such Books, Forms, and Regulations as therein mentioned, shall be repealed; and the Registrar General shall transmit from Time to Time to the Registrar of Births and Deaths in every Sub-District such Books, Forms, and Regulations as may be requisite for the Use of the Medical Officers appointed as in the said Act mentioned, and other duly qualified Medical Practitioners in the Sub-District: and every such Registrar shall deliver to such Medical Officers and Practitioners respectively, without requiring Payment for the same, such of the said Books, Forms, and Regulations as they may require for the Performance of the Duties imposed upon them by that Act.

Non-parochial Registers.

A

BILL

To amend the Act concerning Non-parochial Registers, and the Acts for Marriages, and for registering Births, Deaths, and Marriages, in England, and concerning Vaccination.

(*Prepared and brought in by Mr. Secretary Walpole and Mr. Hardy.*)

Ordered, by The House of Commons, *to be Printed*, 4 *May* 1858.

[Bill 74.]

Under 1 *oz.*

10 *December* 1857. 21 Vict.

A

BILL

TO

Substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Her Majesty's Subjects professing the Jewish Religion.

Preamble.

WHEREAS it is expedient that One Oath should be substituted for the Oaths of Allegiance, Supremacy, and Abjuration now required by Law: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Oath to be taken instead of Oaths of Allegiance, Supremacy, and Abjuration.

I. Instead of the Oaths of Allegiance, Supremacy, and Abjuration, where the same are now by Law required to be taken and taken and subscribed respectively, the following Oath shall be taken and subscribed:

'I A. B. do swear, That I will be faithful and bear true Allegiance to Her Majesty Queen Victoria, and will defend Her to the utmost of my Power against all Conspiracies and Attempts whatever which shall be made against Her Person, Crown, or Dignity, and I will do my utmost Endeavour to disclose and make known to Her Majesty, Her Heirs and Successors, all Treasons and traitorous Conspiracies which may be formed against Her or them; and I do faithfully promise to maintain, support, and defend, to the utmost

'of my Power, the Succession of the Crown, which Succession, by 'an Act, intituled "An Act for the further Limitation of the Crown, '"and better securing the Rights and Liberties of the Subject," is 'and stands limited to the Princess Sophia, Electress of Hanover, and 'the Heirs of Her Body, being Protestants, hereby utterly renouncing 'and abjuring any Obedience or Allegiance unto any other Person 'claiming or pretending a Right to the Crown of this Realm; and I 'do declare that no Foreign Prince, Person, Prelate, State, or Potentate 'hath or ought to have any Jurisdiction, Power, Superiority, Pre-'eminence, or Authority, ecclesiastical or spiritual, directly or in-'directly, within this Realm: And I make this Declaration upon the 'true Faith of a Christian. So help me GOD.'

The Name of the Sovereign for the Time being to be used in the Oath.

II. Where in the Oath hereby appointed the Name of Her present Majesty is expressed or referred to, the Name of the Sovereign of this Kingdom for the Time being, by virtue of the Act "for the "further Limitation of the Crown, and better securing the Rights and "Liberties of the Subject," shall be substitutsd from Time to Time, with proper Words of Reference thereto.

Oath appointed by this Act to be taken in the same Cases and in like Manner as the present Oaths.

III. The Oath hereby appointed shall be taken and subscribed in the same Cases, and by and before the same Persons, and at the same Times and Places, as the Oaths of Allegiance, Supremacy, and Abjuration are respectively now directed to be taken and taken and subscribed; and the taking and subscribing of the Oath hereby appointed shall have the like Effect as the taking and taking and subscribing respectively of the Oaths of Allegiance, Supremacy, and Abjuration would have had if this Act had not been passed; and the Refusal, Neglect, or Omission to take and subscribe the Oath hereby appointed shall be attended with the like Disabilities, Incapacities, Penalties, Liabilities, and Consequences as now by Law provided in the Case of Refusal, Neglect, or Omission to take or take and subscribe respectively the Oaths of Allegiance, Supremacy, and Abjuration; and all Provisions now in force shall be construed and take effect accordingly: Provided always, that no Person, having before the Commencement of this Act taken the Oaths of Allegiance, Supremacy, and Abjuration, shall be required to take and subscribe the Oath hereby appointed, unless and until he would be by Law required to take the said Oaths of Allegiance, Supremacy, and Abjuration in case this Act had not been passed.

Form of Affirmation for Quakers, &c.

IV. Provided always, That every Person of the Persuasion of the People called Quakers, and every other Person now by Law permitted to make his solemn Affirmation or Declaration instead of taking an Oath, shall, instead of taking and subscribing the Oath hereby appointed,

appointed, make and subscribe a solemn Affirmation in the Form of the Oath hereby appointed, substituting the Words "solemnly, sincerely, and truly declare and affirm" for the Word "swear," and omitting the Words "and I make this Declaration upon the true Faith of a Christian. So help me God;" and the making and subscribing of such Affirmation by a Person herein-before authorized to make and subscribe the same, with such Omission as aforesaid, shall have the same Force and Effect as the taking and subscribing by other Persons of the Oath hereby appointed.

Form of Oath for Persons professing the Jewish Religion.

V. Provided also, That whenever any of Her Majesty's Subjects professing the Jewish Religion shall be required to take the Oath appointed by this Act, the Words, "and I make this Declaration upon the true Faith of a Christian," shall be omitted.

Persons professing the Jewish Religion to make Declaration in certain Cases. 9 G. 4. c. 17. 8 & 9 Vict. c. 52.

VI. And whereas by a certain Act passed in the Ninth Year of the Reign of King George the Fourth, intituled "An Act for repealing so "much of the several Acts as imposes the Necessity of receiving the "Sacrament of the Lord's Supper as a Qualification for certain Offices "and Employments," a certain Declaration is prescribed to be taken in the Cases in the said Act mentioned: And whereas by an Act passed in the Ninth Year of the Reign of Her present Majesty, intituled "An "Act for the Relief of Persons of the Jewish Religion elected to Muni-"cipal Offices," a certain other Declaration was permitted to be taken in certain Cases by Persons professing the Jewish Religion, instead of the Declaration required to be made and subscribed by the said Act of King George the Fourth: And whereas it is right to extend the Benefit of the last-recited Act to all other Cases in which the Declaration set forth in the said Act of the Ninth Year of the Reign of King George the Fourth is by Law required to be taken: Be it enacted, That in all Cases which are not within the Provisions of the said Act of the Ninth Year of the Reign of Her Majesty, in which any other of Her Majesty's Subjects are required by Law to make and subscribe the Declaration set forth in the said Act of the Ninth Year of the Reign of King George the Fourth, Her Majesty's Subjects professing the Jewish Religion shall be required instead thereof to make and subscribe the Declaration set forth in the said Act of the Ninth Year of the Reign of Her present Majesty, which Declaration shall, with respect to such Person professing the Jewish Religion, be of the same Force and Effect as if he made and subscribed the said Declaration by the said Act of the Ninth Year of the Reign of King George the Fourth, and shall be made and subscribed at the same Times and Places respectively, and preserved of record in the same Manner, as the last-mentioned Declaration is now by Law required to be made, subscribed, and preserved.

VII. Pro-

Act not to affect Roman Catholic Relief Act. 10 G. 4. c. 7.

VII. Provided also, That nothing in this Act contained shall be held to alter or affect the Provisions of an Act passed in the Tenth Year of King George the Fourth, Chapter Seven, "for the Relief of His "Majesty's Roman Catholic Subjects," but such Provisions shall continue to be construed and take effect as if this Act had not been passed.

Act not to enable Persons professing the Jewish Religion to hold certain Offices.

VIII. Nothing herein contained shall extend or be construed to extend to enable any Person or Persons professing the Jewish Religion to hold or exercise the Office of Guardians and Justices of the United Kingdom, or of Regent of the United Kingdom, under whatever Name, Style, or Title such Office may be constituted, or to enable any Person to hold or enjoy the Office of Lord High Chancellor, Lord Keeper or Lord Commissioner of the Great Seal of Great Britain or Ireland, or the Office of Lord Lieutenant, or Deputy or other Chief Governor or Governors of Ireland, or Her Majesty's High Commissioner to the General Assembly of the Church of Scotland.

Oaths.

A

B I L L

To substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Her Majesty's Subjects professing the Jewish Religion.

(Prepared and brought in by Mr. FitzRoy, Lord John Russell, and Mr. John Abel Smith.)

Ordered, by The House of Commons, *to be Printed,* 10 *December* 1857.

[Bill 4.] *Under* 1 *oz.*

LORDS AMENDMENTS

TO

THE OATHS BILL.

Leave out Clause V.

V. Provided also, That whenever any of Her Majesty's Subjects professing the Jewish Religion shall be required to take the Oath appointed by this Act, the Words, "and I make this Declaration upon the true Faith of a Christian," shall be omitted.

Form of Oath for Persons professing the Jewish Religion.

Leave out Clause VIII.

VIII. Nothing herein contained shall extend or be construed to extend to enable any Person or Persons professing the Jewish Religion to hold or exercise the Office of Guardians and Justices of the United Kingdom, or of Regent of the United Kingdom, under whatever Name, Style, or Title such Office may be constituted, or to enable any Person to hold or enjoy the Office of Lord High Chancellor, Lord Keeper or Lord Commissioner of the Great Seal of Great Britain or Ireland, or the Office of Lord Lieutenant, or Deputy or other Chief Governor or Governors of Ireland, or Her Majesty's High Commissioner to the General Assembly of the Church of Scotland.

Act not to enable Persons professing the Jewish Religion to hold certain Offices.

LORDS AMENDMENTS

TO

THE OATHS BILL.

Ordered, by The House of Commons, *to be Printed,*
30 *April* 1858.

[Bill 71.]

Under 1 *oz.*

Oaths Bill.

LORDS REASONS

FOR INSISTING ON THEIR

Amendments to the Oaths Bill.

The Lords insist on their Amendments to leave out Clauses Five and Eight, to which the Commons disagree, for the following Reasons:—

1st. Because, although the Words "on the true Faith of a Christian" were originally introduced into the Oath for the immediate Purpose of binding certain Roman Catholics, it is unreasonable to assume that the Parliament which so introduced them did not intend that the Profession of Christianity should be a necessary Qualification for Admission to the Legislature, when they enacted that a Declaration of that Faith should form Part of the Oath required to be taken by every Member of both Houses.

2d. Because the constant Intention of the Legislature may be further inferred from the Fact that neither at the Time of the Introduction of these Words were the Jews admissible nor have they at any subsequent Period been admitted to sit and vote in either House of Parliament.

3d. Because Exclusion from Seats in Parliament and Offices of the State on the Ground of Religious Opinion, and for other Reasons when the general Good of the State appears to require it, is a Principle recognised in the Settlement of the Succession to the Crown, and in other Cases; and has, moreover, been further and recently sanctioned by the House of Commons in some of the Provisions of the present Bill.

4th. Because, without imputing any Disloyalty or Disaffection to Her Majesty's Subjects of the Jewish Persuasion, the Lords consider that the Denial and Rejection of that Saviour, in whose Name each House of Parliament daily offers up its collective Prayers for the Divine Blessing on its Councils, constitutes a moral Unfitness to take part in the Legislation of a professedly Christian Community.

5th. Because when the Commons plead in support of their Views, in a Matter which equally concerns the Constitution of both Branches

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of the Legislature, their repeated Recognition of the Expediency of removing this Disability of the Jews, and admitting them to their Councils, the Lords desire to refer to their equally firm Adherence to the Principle of retaining those Privileges which they believe to be peculiarly and inseparably attached to Parliament as an exclusively Christian Assembly.

Ordered, by The House of Commons, *to be Printed,*
13 *July* 1858.

[Bill 211.]

Under 1 *oz.*

LORDS REASONS

FOR INSISTING ON THEIR

Amendments to the Oaths Bill.

Oxford and Cambridge Universities, &c. Estates Bill.

ARRANGEMENT OF CLAUSES.

Preamble.
Power to the Universities and Colleges to sell, enfranchise, and exchange Lands under certain Conditions ; Sect. 1.
Mode in which Consents of Copyhold Commissioners to be evidenced ; 2.
Form of Orders to be issued by Commissioners; 3.
Power to accept Surrenders from Lessees in consideration of annual Payments, and to sell and exchange to or with such Lessees ; 4.
Repeal of 19 & 20 Vict., cap. 95, and of Sect. 48. of 19 & 20 Vict. cap. 88 ; 5.

Provisions as to Purchase of Lessees' Interests.

Power to purchase the Interests of Lessees in consideration of gross Sum of Money or annual Charge ; 6.
Apportionment of Rent in case of the Purchase of Part only of the Lands comprised in Lease ; 7.
Consent of Sub-lessee with Covenant for Renewal ; 8.
Provisions for raising Monies by Mortgage, and for Creation of Sinking Fund for Liquidation thereof ; 9.

Leasing Powers.

Power to grant Leases for a Term not exceeding Twenty-one Years at Rack Rent ; 10.
Power to grant Building and Repairing Leases for a Term not exceeding Ninety-nine Years ; 11.
Power to enter into Contracts for granting Leases, and afterwards to grant Leases pursuant thereto ; 12.
Variations in Terms between Leases and Contracts not to be material, and Contracts not to form Part of Title ; 13.
Power to Universities and Colleges to insure Buildings, &c. comprised in any Lease, and to charge the Tenants with the Premiums ; 14.

Power to Universities and Colleges to dispose of Brick, Earth, &c.; 15.
Lessors may enter into Arrangements with Lessees for lighting, Paving, &c.; 16.
Universities and Colleges may enter into Arrangements with Lessees as to Payment of Land Tax and Tithe Rent Charges; 17.
Power to appropriate any Part of Lands for Streets, Squares, &c.; 18.
Power to lease Running Water and Waterleaves, and Wayleaves, &c.; 19.
Power to grant Mining Leases for a Term not exceeding 60 Years; 20.
Application of Mineral Rents, &c.; 21.
Powers to release, enter into new Contracts, and accept Surrenders of Leases, &c.; 22.
On Recovery of Possession of any Lands, under a Condition of Re-entry, new Leases may be granted; 23.
Power to confirm Leases which may be void or voidable by reason of any technical Error or Informality; 24.
Receipts indorsed upon Leases, &c. to be Evidence of Execution of Counterparts; 25.
Particular Property not to be leased; 26.
Act to extend to Lands held in trust or for any Special Endowments; 27.
Act not to restrain existing Powers; 28.
Christ Church to be considered a College; 29.
Interpretation of Terms; 30.
Short Title; 31.
Schedule

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BILL

TO

Give to the Universities of Oxford and Cambridge, and the Colleges in those Universities, and to the Colleges of Saint Mary of Winchester, near Winchester, and of King Henry the Sixth, at Eton, Power to sell, enfranchise, and exchange Lands under certain Conditions, and also to grant Leases for Agricultural, Building, and Mining Purposes, and to deal with the Interests of their Lessees under proper Reservations and Restrictions.

WHEREAS it is expedient that the Universities of Oxford and Cambridge, and the Colleges in those Universities, and the Colleges of St. Mary of Winchester, near Winchester, and of King Henry the Sixth, at Eton, should be empowered to sell, enfranchise, and exchange their Lands under certain Conditions, and also to grant Leases for Agricultural and Building and Mining Purposes under proper Reservations and Restrictions, and to deal with the Interests of their Lessees in manner herein-after provided: And whereas the several Acts now in force in relation thereto are inadequate for such Purposes: Be it enacted by the Queen's most Excellent Preamble.

Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to the Universities and Colleges to sell, enfranchise, and exchange Lands under certain Conditions.

I. It shall be lawful for the said Universities, and for any College therein respectively, and for the Colleges of Saint Mary of Winchester, near Winchester, and of King Henry the Sixth, at Eton, with the Consent of the Copyhold Commissioners to sell any Estate in Lands vested in such Universities respectively, or in any such College, and also with such Consent as aforesaid to enfranchise any Copyhold or Customary Lands held of any Manor belonging to such Universities respectively, or any such College, or to exchange any Estate in Lands for any other Lands, whether the same shall be of a like Nature or not, and upon any such Exchange to receive or pay any Money by way of Equality of Exchange; and all Monies which on any such Sale, Enfranchisement, or Exchange shall be received by or become payable to or for the Benefit of such Universities respectively, or for any such College, shall from Time to Time be paid into the Bank of England for the Benefit of such Universities respectively, or for any such College, to an Account to be entitled "The Account of the Copyhold Commissioners Exparte "the University or the College for whose Benefit such Monies shall "have been so paid in (describing such University or College by its "Corporate Name) in the Matter of this Act;" and the Receipt of the said Copyhold Commissioners shall be an effectual Discharge to any Purchaser or other Person for any Money therein expressed to be received, and all Monies so paid into the Bank of England shall be applicable and be applied in Payment for Equality of Exchange as aforesaid, or shall be laid out by such University or College with such Consent as aforesaid in the Purchase of other Lands in Fee Simple, or or of any Lands of a Leasehold Tenure, such Leaseholds to be holden for a Term of *Five hundred* Years yet to come and unexpired at the Time of such Purchase at a nominal Rent, and to be contiguous to or convenient to be held with any other Lands belonging to such Universities respectively, or to any such College, such Lands to be conveyed and assigned respectively to the Use or for the Benefit of such University or College, and to be held together with any Lands received in Exchange by such University or College upon the like Trusts and for the like Purposes as the Lands sold or given in Exchange by such University or College respectively; and the Monies from Time to Time remaining unapplied for the Purposes aforesaid, shall be invested by and in the Names of the said Copyhold Commissioners to the Account aforesaid in the Purchase of Government Stocks, Funds, or Securities, which the said Copyhold Commissioners shall hold in trust for such University or College; and the said Copyhold Commissioners may sell and dispose of the same

same for the Purposes of this Act as Occasion may require, and in the meantime the Interest, Dividends, and annual Proceeds of such Monies, Stocks, Funds, and Securities shall be paid to such University or College to be applied to the same Purposes as the annual Income was applicable which arose out of the Lands from the Sale, Enfranchisement, or Exchange of which the Money invested in such Stocks, Funds, or Securities was produced: Provided that, except as hereafter is mentioned, nothing in this Section contained shall apply to any Estate of the Universities respectively, or any such College as aforesaid, in reversion in Lands expectant upon any Lease for Lives, or for a Term of Years determinable upon any Life or Lives, or for a Term of Years whereof more than *Seven* shall be unexpired, on which a Rent less than *Three Fourths* of the clear yearly Value of such Lands shall have been reserved, except where the Lessee has a Right of Renewal.

Mode in which Consents of Copyhold Commissioners to be evidenced.

II. The Consent herein-before required to be given by the Copyhold Commissioners to any Sale, Enfranchisement, or Exchange to be effected under the Authority of this Act, shall be evidenced in manner following; (that is to say,) the said Commissioners, upon Consideration of the proposed Sale, Enfranchisement, or Exchange, and the Report thereon of the Surveyor of the University or College proposing the same, and being satisfied as to the Propriety thereof, shall issue an Order under the Common Seal of their Board, authorizing such proposed Sale, Enfranchisement, or Exchange, to be carried into effect by the University or the College making Application under the Provisions of this Act; and the Consent of the said Commissioners herein-before required to the Re-investment of the Monies to be received upon any such Sale, Enfranchisement, or Exchange in the Purchase of other Lands, shall also be evidenced by a similar Order, to be issued by the said Commissioners in manner aforesaid, approving of the proposed Purchase, and authorizing the University or College (as the Case may be) to carry the same into effect; and it shall not in any Case be necessary that the said Commissioners should be made Parties to, or should execute any Conveyance, Assignment, or other Assurance to be made by such University or College for effecting any Sale, Enfranchisement, Exchange, or Purchase, under the Powers of this Act, or satisfy themselves as to the Title of any Lands, the Subject of any such Exchange or Purchase.

Form of Orders to be issued by Commissioners.

III. The several Orders to be issued by the said Commissioners pursuant to the foregoing Provisions, shall respectively be in the Form or to the Effect set forth in the Schedule to this Act, with such Variations only as Occasion may require.

Power to accept Surrenders from Lesses in consideration of annual Payments, and to sell and exchange to or with such Lessees.

IV. For facilitating such Transactions by way of Sale and Exchange between the University or College and their Lessees, it shall be lawful for the said Universities, and for any College therein respectively, and for the Colleges of Saint Mary of Winchester, near Winchester, and of King Henry the Sixth, at Eton, upon accepting the Surrender of the whole or any Part of the Lands comprised in any Lease for Years or for Lives, to covenant or agree to grant to the Person so surrendering during the Residue then unexpired of the Term, or so long as such Lease, but for such Surrender would have continued, such an annual Sum as may be agreed upon between such University or College and Lessee respectively, so that the same do not exceed the Difference between the Rent reserved by such Lease, or (if Part only of the Lands comprised therein be surrendered) a proportionate Part of such Rent and the estimated clear yearly Value of the Lands so surrendered: and it shall also be lawful for such University or College upon accepting such Surrender, and with such Consent and so evidenced as aforesaid, to contract with the Lessee or Person so surrendering for the Sale or Exchange to or with such Lessee or Person of the Lands comprised in the Surrender, such Lands being for the Purpose of such Sale or Exchange valued as if in the Possession of such University or College discharged of such Lease, and to convey the same in pursuance of such Contract accordingly.

Repeal of 19 & 20 Vict. c. 95, and of s. 48 of 19 & 20 Vict. c 88.

V. The Act passed in the Session of Parliament holden in the Nineteenth and Twentieth Years of the present Reign (Chapter Ninety-five), intituled "An Act to give to the University of Oxford and to "Colleges in the said University, and to the College of Saint Mary "of Winchester, near Winchester, Power to sell and exchange Lands "under certain Conditions;" also the Forty-eighth Section of the Act passed in the same Session (Chapter Eighty-eight), intituled "An Act "to make further Provision for the good Government and Extension "of the University of Cambridge, of the Colleges therein, and of the "College of King Henry the Sixth, at Eton," shall be and the same are hereby repealed; so, nevertheless, as not to prejudice or affect any Negotiations or Arrangements which shall have been entered upon or made under the Provisions of the said Act and Section, and which shall be actually pending at the Time of the passing of this Act, and which Negotiations or Arrangements the University or College shall, notwithstanding anything herein contained, be at liberty to complete under the said last-mentioned Provisions; but all Monies which shall become payable thereunder shall be paid and applied in manner herein-before particularly mentioned; and any Monies which at the Time of the passing of this Act shall be standing in any Account appointed by the Church Estate Commissioners by virtue of the said Act and Section, and any Stocks, Funds, or Securities

ties in or upon which any such Monies shall have been invested, shall be paid and transferred to the like Account, as is herein-before directed in respect of the Monies to become payable under the Provisions of this Act.

Provisions as to Purchase of Lessees' Interests.

Power to purchase the Interests of Lessees in consideration of gross Sum of Money or annual Charge.

VI. It shall be lawful for the said Universities and any College therein respectively, and the Colleges of Saint Mary of Winchester, near Winchester, and of King Henry the Sixth at Eton, to purchase by Agreement from any Lessee holding under any Lease for Years or for Lives granted by such University or College, whereon a Rent less than *Three-Fourths* of the clear yearly Value of such Lands shall have been reserved, the Term, Estate, and Interest of such Lessee in all or any of the Lands comprised in such Lease for such Consideration, either by Payment to such Lessee of a gross Sum of Money (to be provided or raised as hereafter mentioned), or by the Grant to such Lessee during the Residue then unexpired of the Term, or so long as such Lease but for such Purchase would have continued, such an annual Sum as may be agreed on between such University or College and Lessee respectively, so that the same do not exceed the Difference between the Rent reserved by such Lease, or (in case the same shall be apportioned as hereafter provided,) a proportional Part thereof, and the estimated clear yearly Value of the Lands so purchased, as such University or College and Lessee shall mutually agree.

Apportionment of Rent in case of the Purchase of Part only of the Lands comprised in Lease.

VII. Upon the Purchase by such University or College of the Estate or Interest of any Lessee in a Part only of the Lands comprised in any Lease, it shall be lawful for the Steward, Chapter, Clerk, Solicitor, or Agent of such University or College and such Lessee, by a Memorandum in Writing under their respective Hands, which may be indorsed on such Lease, to apportion the Rent reserved thereby, and declare what Part thereof shall continue payable thereunder; and thereupon such apportioned Part of the Rent shall be payable as if the same had been the Rent originally reserved in respect of the Lands not purchased; and where the Rent originally reserved was an ancient and accustomed Rent, the Part so continuing payable shall be deemed and taken to be the ancient and accustomed Rent for the Lands not purchased, and the Reservations, Covenants, and Agreements contained in such Lease, and the Powers and Authorities of such University or College, so far as the same shall be applicable to the Lands not purchased, shall remain in full force as if such Purchase had not been made.

Consent of Sub-lessee with Covenant for Renewal.

VIII. If any Lands held under Lease from such University or College shall have been sublet, with a Covenant on the Part of the original Lessee to renew the Under-lease upon any Renewal of the original Lease, the Interest of the Lessee in such Lands shall not be purchased under this Act by such University or College, without the Consent in Writing of such Sub-lessee: Provided always, that such University or College shall not be prevented from making such Purchase, nor shall their Title to any such Lands be affected in respect of the Existence of any such Under Lease, unless such University or College shall have had Notice thereof in writing, but the Sub-lessee shall, in Cases where a Purchase shall have been made without such Notice, be entitled to recover such Damages for the Loss of the Benefit of such Covenant against the Party bound by the Covenant for the Loss to be sustained by him as he would be entitled to in respect of its non-performance on a Renewal by the original Lessee.

Provisions for raising Monies by Mortgage and for Creation of Sinking Fund for Liquidation thereof.

IX. In case there shall not be any Monies, Stocks, Funds, or Securities, belonging to such University or College, properly and conveniently applicable in or towards such last mentioned Purchase, it shall be lawful for such University or College, with the Consent of the said Copyhold Commissioners (such Consent to be evidenced by an Order to be issued under their Common Seal in the Form or to the Effect set forth in the said Schedule hereto) to raise such Sum or Sums of Money as shall be required for that Purpose, and be stated in such Order, together with all reasonable Costs and Expenses by Mortgage for a specified determinable Term of Years of all or any of the Lands comprised in any such Lease which shall be so purchased as aforesaid, and the Repayment of the Monies to be so raised by Mortgage shall be secured by the Creation of a Sinking Fund in manner following; (that is to say,) the said University or College exercising this present Power shall annually, during the Residue then unexpired of the Term granted by such Lease, or so long as such Lease but for such Purchase would have continued, set apart and appropriate out of the Rents of the Lands comprised in such Lease, or out of the Funds and Revenues of such University or College, properly applicable for such Purposes, such Sum of Money as shall be equal to the clear yearly Value of the Lands comprised in any such Lease, after Payment of the Rent reserved thereby to such University or College, and making other usual and proper Landlord's Deductions, and shall by and out of such annual Sum in the first place pay and keep down all the Interest to accrue due in respect of such Mortgage Monies, and shall pay over the Residue or Surplus of the said annual Sum so set apart and appropriated as aforesaid to Two Trustees (one of such Trustees to be nominated by such University or College, and the other by the Mortgagee) who shall duly invest such Surplus as the same

same shall from Time to Time be received by them, in the Purchase in their Names of Three Pounds per Centum Consolidated or Reduced Annuities, and shall duly declare the Trusts thereof by Writing under their Hands, and the Dividends and annual Produce of the said Bank Annuities shall be accumulated by the said Trustees in the way of Compound Interest, by investing the same and all the resulting Income thereof from Time to Time in the Purchase of like Bank Annuities, until the same shall be of sufficient Amount to pay off and discharge all Monies so raised by Mortgage, together with any Arrears of Interest then due thereon: Provided always, that notwithstanding any Mortgage to be created under the Provisions aforesaid, the University or College (as the Case may be) shall and may have and exercise all and singular the Powers of leasing and other Powers herein-after contained, in the same Manner and to the same Extent as if such Mortgage had not been created.

Leasing Powers.

Power to grant Leases for a Term not exceeding 21 Years at Rack-rent.

X. It shall be lawful for the said Universities and for any College therein respectively, and for the Colleges of Saint Mary of Winchester, near Winchester, and of King Henry the Sixth, at Eton, from Time to Time after the *passing of this Act* by Indenture sealed by such University or College with their Common Seal, to lease all or any of the Lands vested in such University or College (except as herein-after is mentioned), with the Appurtenances, for any Term or Number of Years, not exceeding *Twenty-one* Years, to take effect in possession and not in reversion or by way of future Interest, and at the best Rent that can be reasonably obtained for the same, so as there be not any Fine, Premium or Foregift taken for the making thereof, and so as the Rent be made payable half-yearly or oftener, and so as sufficient Power of Entry be reserved for securing the Payment of the Rent and the Performance and Observance of the Lessee's Covenants therein, and so as the Lessee be not thereby made dispunishable for Waste, and so as the Lessee execute a Counterpart of the Lease; and every such Lease may be on such Terms and Conditions as such University or College may think reasonable.

Power to grant Building and Repairing Leases for a Term not exceeding 99 years.

XI. It shall be lawful for the said Universities and for any College therein respectively, and for the Colleges of Saint Mary of Winchester, near Winchester, and of King Henry the Sixth, at Eton, from Time to Time after the *passing of this Act*, by Indenture sealed by such University or College with their Common Seal, to lease all or any of the Lands vested in such University or College (except as herein-after is mentioned) with the Appurtenances, for any Term or Number of Years not exceeding *Ninety-nine* Years, to take effect in possession and not in reversion or by way of future Interest, to any Person or Persons who may be willing to improve or repair the present or any future

future Houses thereon, or any of them, or to erect other Houses and Buildings in lieu thereof or in addition thereto, or to erect any Houses or other Buildings on any Lands whereon no Building shall be standing, or who shall be willing to annex any Part of the same Land to Buildings erected or to be erected on the said Lands or any Part thereof, or otherwise to improve the said Premises or any Part thereof and with or without Liberty for the Lessee to take down any Buildings standing on the Lands in any such Lease to be comprised and to dispose of the Materials thereof to such Uses and for such Purposes as shall in such Lease be agreed upon, and with or without Liberty for the Lessee to lay out and appropriate any Part or Parts of the Lands to be comprised in any such Lease, as and for Accommodation Lands, Plantations, Gardens, Pleasure Grounds, Yards, or other Conveniences or Appendages, for the Use or Convenience of the Tenants or Occupiers of the said Houses or other Buildings, and also to set out and allot any Part or Parts of the Lands to be comprised in any such Lease, as and for Streets, Squares, or other similar Spaces of Ground, Roads, Avenues, Approaches, Courts, Ways, Passages, Sewers, Drains, Wells, Reservoirs, Yards, or otherwise, for the Use and Convenience of the Tenants or Occupiers for the Time being of the said Houses or Buildings, or of adjoining Houses or Buildings, or for the general Improvement thereof, or of any Part thereof; and also with or without Liberty for the Lessee to dig, take, and carry away, and dispose of such Earth, Clay, Sand, or Gravel as it shall be found convenient to remove for effecting any of the Purposes aforesaid; and also with or without any other Liberties, Easements, or Privileges which are or may be usual in Leases of a similar Description, so as there be reserved by every such Lease the best and most improved yearly Rent that can be reasonably obtained for the Premises comprised therein at the Time of the granting or making of such Lease, or the Contract for the same payable half-yearly or oftener, during the Continuance of the Term thereby granted, and to be incident to and go along with the Reversion immediately expectant on the Determination thereof; and so as any such Lease be made without taking any Fine, Premium, or Foregift or anything in the Nature thereof, for or in respect of the making of the same; and so as in every such Lease made for the Purpose of having Buildings erected there shall be contained a Covenant on the Part of the Lessee to build, complete and finish such Buildings within a Time to be therein specified for that Purpose; and so as in every such Lease made for the Purpose of having Buildings repaired or rebuilt there shall be contained a Covenant on the Part of the Lessee substantially to rebuild or repair the same within a Time to be therein specified for that Purpose; and so as in every such Lease, whether for building or repairing, or otherwise, there be contained on the Part of the Lessee a Covenant for the due Payment of the Rent to be thereby reserved

and

and (subject to the Provisions in this Behalf hereafter contained) of all Taxes, Charges, Rates, Assessments, and Impositions whatsoever affecting the Lands therein comprised (except only the Tax (if any) for the Time being upon Property or Income); and also a Covenant for keeping the Buildings erected and built, or to be erected and built, in repair during the Term thereby granted; and also a Covenant for keeping the Houses and Buildings (subject to the Provision in this Behalf hereafter contained) insured from Damage by Fire to the Amount of *Three Fourths* at least of the Value thereof in some or one of the Public Offices of Insurance, to be selected by such University or College, and to be named in the Lease, and to lay out the Money to be received by virtue of such Insurance, and also all such other Sums as shall be necessary in rebuilding, repairing, and reinstating such Houses and Buildings as shall be destroyed or damaged by Fire; and also to surrender the Possession of, and leave in good Condition and Repair the Houses and Buildings erected and to be erected or rebuilt or repaired on the Premises therein comprised, on the Expiration or other sooner Determination of the Term to be thereby granted, or such Covenants on the Part of the Lessee as shall be in substance and effect the same as or equivalent to the Covenants herein-before specified; and so as in every such Lease there be contained a Power for such University or College, their Stewards, Surveyors, or Agents, to enter upon the Premises and inspect the Condition thereof, and also a Proviso or Condition of Re-entry for Nonpayment of the Rent thereby reserved for any Space not exceeding *Forty* Days, or for Nonperformance of any of the Covenants or Agreements on the Part of the Lessee therein contained; and also with or without a Proviso that no Breach of any of the Covenants or Agreements to be therein contained (except the Covenant for Payment of the Rent and other such Covenants or Agreements (if any) as such University or College shall think it reasonable to except) shall occasion any Forfeiture of such Lease, or of the Term thereby granted, or give any Right of Re-entry, unless or until Judgment shall have been obtained in an Action for such Breach, nor unless the Damages and Costs to be recovered in such Action shall have remained unpaid for the Space of *Three* Calendar Months after Judgment shall have been obtained in such Action, and so as there be not contained in any such Lease any Clause or Words authorizing the Lessee to commit Waste or exempting him from Punishment for committing Waste, save so far as may be necessary for or incident to the Purposes aforesaid, or any of them; and every such Lease may also contain any other Covenants, Provisoes, Conditions, Restrictions, and Stipulations which shall appear reasonable to such University or College, and particularly any Provisions that where any such Lease is granted with Liberty to erect thereafter any House or Houses on the Land thereby demised

in addition to the House in respect of which the original Yearly Rent thereby reserved shall be payable, then in addition to such original yearly Rent to be so reserved as aforesaid, there shall also be reserved any such additional yearly Rent, to become payable only in the event of such additional House or Houses being thereafter built as shall be the best and most improved additional yearly Rent that can, at the Time of the making or granting of such Lease, or for the Contract for the same, and considering the Nature and Circumstances of the Case, be reasonably obtained, and shall be made payable half-yearly or oftener, from a Time not later than the Time when the respective additional House is fit for Habitation and Use, and shall continue payable during the Remainder of the Term granted by such Lease, and be incident to and go along with the Reversion immediately expectant on the Determination thereof; and also a Provision for apportioning the Rent to be reserved in and by any such Lease, and for exonerating any Part of the Lands to be comprised in any such Lease from the Payment of any specified Portion of the whole Rent to be thereby reserved, and so that the respective Lessees execute Counterparts of their respective Leases.

Power to enter into Contracts for granting Leases, and afterwards to grant Leases pursuant thereto.

XII. It shall be lawful for the said Universities, and for any College therein respectively, and for the Colleges of Saint Mary of Winchester, near Winchester, and of King Henry the Sixth at Eton, by themselves, or by any Person or Persons acting on their Behalf, to enter into any Contract in Writing, either conditional or absolute, for making or granting any Lease authorized to be granted under the Provisions of this Act, and in any such Contract or Contracts (with the Consent of the Contractor or Contractors) to reserve Power to rescind and vary the same, and to enter into fresh Contracts or not, as such University or College shall think fit, and by any such Contract to agree when and as any Land or Buildings thereby agreed to be let, or any Part or Parts thereof shall be respectively built upon, rebuilt, or repaired, laid out, formed, or improved in the Manner and to the Extent to be stipulated in such Contract by one or more Indenture or Indentures to lease or cause to be leased the same Lands or Buildings or any Part thereof to the Person or Persons contracting to take the same as aforesaid, or his or her Executors, Administrators, or Assigns, or to his, her, or their Nominee or Nominees, for and during the Remainder of the Term to be specified in such Contract, and in such Parcels, and under and subject to such Portion or Portions of the yearly Rent to be specified in such Contract as shall be thought proper; (and also if such University or College shall think the same expedient) to agree that the yearly Rent agreed to be reserved in any such Contract may be made to commence at any such Periods within *Two* Years from the Date of such Contract, and may be made to increase

increase periodically, beginning with such Portion of the full Rent thereby agreed to be paid as shall be thought advisable, and increasing up to the full Rent as shall be thought proper, and as in such Contract shall be expressed, regard being had to the Quantity of Land from Time to Time agreed to be leased, and the Progress of the Buildings, Rebuildings, or Repairs stipulated to be erected or made thereon, or on some Part thereof; but so, nevertheless, that the full yearly Rent shall be made to commence at a Period not exceeding *Five* Years from the Date of the said Contract, with Liberty nevertheless to make Provisions in the same Contract for the Payment of an additional yearly Rent or Rents, in the event of any House or Houses being thereafter built on the Land comprised in the same Contract, in addition to the House or Houses in respect of which such original yearly Rent was reserved or made payable, and also to agree that when and as any Lease shall be granted of any Part of the Lands so contracted to be leased the Lands so for the Time being leased shall be discharged from such Contract, and that the Person with whom such Contract shall have been entered into shall remain liable in respect of such Part of the Lands comprised in such Contract as shall not for the Time being be leased to the Payment of such Portion only of the Rent by such Contract agreed to be paid as may be thought proper and shall in such Contract be provided for, and also to agree that the Person with whom such Contract shall be entered into may have, exercise, and enjoy all or any of the Liberties, Easements, and Privileges therein authorized to be granted, except such thereof as such University or College shall think reasonable to except: Provided also, that there may be contained in every such Contract as aforesaid such further or other Agreements and Stipulations as to such University or College shall seem reasonable.

Variations in Terms between Leases and Contracts not to be material and Contracts not to form Part of Title.

XIII. No Lease granted or to be granted under the Powers of this Act shall be invalid by reason of any Variation between any such Lease and any prior Contract for a Lease which may have preceded the granting of such Lease, but every Lease to be granted as aforesaid shall be valid and effectual, notwithstanding such Variation, and no Person taking such Lease or claiming under such Lease shall be bound to inquire whether such Lease is in pursuance of or authorized by any such prior Contract, nor shall any such Person be in any Manner affected by anything contained in any such Contract, and the Contract or Contracts which shall have preceded such Lease shall not at Law or in Equity form a Part of the necessary Evidence of the Title of the Lessee or Lessees named in such Lease, or of his, her, or their Executors, Administrators, or Assigns, whether such Lease is or is not expressed to be granted under or in pursuance of any such

previous Contract, provided that such Lease shall not be inconsistent or at variance with the Provisions and Restrictions herein contained with respect to the Leases hereby authorized to be granted.

Power to Universities and Colleges to insure Buildings, &c., comprised in any Lease and to charge the Tenants with the Premiums.

XIV. It shall be lawful for the University and College, if they shall think fit, in any Lease to be granted under the Powers of this Act to cause to be omitted the Covenant on the Part of the Lessee, hereinbefore directed to be inserted for keeping the Houses and Buildings comprised in such Lease, or to be erected and built on the Lands therein comprised, insured from Loss or Damage by Fire, and in lieu of such Covenant to insert or cause to be inserted in any such Lease a Covenant on the Part of such University or College to keep such Houses and Buildings insured from Loss or Damage by Fire to the Amount of *Three Fourths* at least of the Value thereof, and to lay out the Money which shall be received by virtue of such Insurance in substantially rebuilding, repairing, and reinstating such Houses or Buildings as shall be destroyed or damaged by Fire, and to cause to be inserted in such Lease such Covenants, Stipulations, and Provisions for securing to such University or College the Repayment of the Sum or Sums of Money which shall be paid by them in effecting or keeping on foot any such Insurance as such University or College shall think fit.

Power to Universities and Colleges to dispose of Brick, Earth, &c.

XV. From and after the *passing of this Act* it shall be lawful for the said Universities, and any College therein respectively, and the said Colleges of Saint Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, either by themselves or by any Person or Persons on their Behalf, to enter into such Contract or Contracts in Writing, as they may deem expedient, with any Person who may be willing to purchase the Liberty or Privilege of digging and raising Gravel or Sand, or Earth, Loam, or Clay, suitable for making Bricks or Tiles, out of any Part of the Lands belonging to such University or College, and to grant to such Person, either by Indenture sealed with the Common Seal of such University or College, or by such other Ways or Means as may be deemed expedient, and for such Considerations as to such University or College shall appear reasonable or proper, the Liberty or Privilege of digging and raising such Gravel, Sand, Earth, Loam, or Clay, and of selling and disposing of the same, together with all such Powers as may be requisite for carrying such Contract or Contracts into effect: Provided always, that the Net Monies which shall be received by the University or College for or in respect of the Grant of such Liberty or Privilege as aforesaid, shall be applied and disposed of by such University or College, in the Manner herein-after directed, respecting the Net Rents, Tolls, Duties, Royalties, and Reservations which shall be received

received by such University or College for or in respect of any Lease to be granted under the Authority of the Twentieth Section of this Act.

Lessors may enter into Arrangements with Lessees as for lighting, paving, &c.

XVI. From and after the *passing of this Act* it shall be lawful for the said Universities, and any College therein respectively, and the Colleges of Saint Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, at any Time or Times to make or enter into any Arrangement or Arrangements with the Lessees or Tenants of the Lands leased under the Authority of this Act, or any or either of them, either alone or in conjunction with any other Person or Persons, for the lighting, paving, draining, and cleansing, or otherwise for the general Improvement or more convenient Use and Enjoyment of such Lands, or any Part thereof, or the Roads, Streets, Ways, Approaches, Avenues, or Passages in or about the same, and for such Purposes or any or either of them to give and grant or allow such Easements, Rights, Liberties, and Privileges, in or over such Lands, or any Part thereof, to any Person or Persons whomsoever, as by such University or College shall be deemed expedient, and under and subject to such Provisoes, Conditions, and Restrictions as shall be deemed proper; and for carrying into effect any such Arrangement, to enter into and to insert or cause to be inserted in any Lease or Leases or Contract or Contracts for any Lease or Leases, to made or entered into by virtue of this Act, such Covenants, Agreements, and Stipulations on the Part of such University or College, or the said Lessee or respective Lessees, his, her, or their Heirs, Executors, Administrators, and Assigns, as by such University or College shall be thought requisite or proper.

Universities and Colleges may enter into Arrangements with Lessees as to Payment of Land Tax and Tithe Rentcharges.

XVII. It shall be lawful for the said Universities, and any College therein respectively, and the Colleges of Saint Mary of Winchester, near Winchester, and of King Henry the Sixth at Eton, if they shall think it expedient so to do, to enter into any Arrangement for the Payment by them of the Land Tax and Tithe Rentcharge, or either of them, for the Time being payable for or in respect of any of the Lands comprised in any Lease to be granted under the Authority of this Act, or any Part thereof, in exoneration therefrom of the respective Lessees or Tenants of such Lands, any or either of them, and to accept and reserve an additional or increased Rent or Rents in Consideration thereof, and in any Lease or Leases, Contract or Contracts, to be made or entered into in pursuance of this Act to enter into or cause to be inserted such Covenants, Stipulations, and Agreements on the Part of such University or College, or the Lessee or Lessees, his, her, or their Heirs, Executors, Administrators, or Assigns, with respect to the Land Tax and Tithe Rentcharges, or either of them, to which the Lands thereby leased or agreed to be

leased are or may be respectively liable, or any Part thereof, as upon a due Consideration of all Circumstances shall to such University or College seem advisable.

Power to appropriate any Part of Lands for Streets, Squares, &c.

XVIII. It shall be lawful for the said Universities and any College therein respectively, and the College of Saint Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, to lay out and appropriate any Part or Parts of the Lands authorized to be leased on Building or Repairing Leases under the Provisions of this Act, as and for a Way or Way, Streets, Squares, Approaches, Avenues, Roads, Courts, Passages, Sewers, Drains, Yards, Gardens, or Pleasure Grounds, or other Easements or Conveniences for the general Improvement of the said Lands, or for the Accommodation or Convenience of the Tenants and Occupiers thereof, in such Manner and upon such Terms, and either subject to or without being subject to any annual or other Payments by such Tenants or Occupiers as shall be mentioned or agreed upon in any Lease to be made in pursuance of this Act, or in any general Deed to be executed for that Purpose under the Common Seal of such University or College, and to be enrolled in One of Her Majesty's Courts of Record at Westminster, and also by such Lease or by such general Deed to give such Privileges and other Easements in or over the said Lands or any Part thereof as such University or College shall deem reasonable or convenient.

Power to Lease running Water and Waterleaves, and Wayleaves, &c.

XIX. It shall be lawful for the said Universities and any College therein respectively, and the Colleges of Saint Mary of Winchester, near Winchester, and of King Henry the Sixth at Eton, from Time to Time after the *passing of this Act*, under such Restrictions as are hereafter mentioned, by any Deed to be executed under their Common Seal to grant by way of Lease unto any Person or Persons whomsoever any Liberties, Licences, Powers, or Authorities, to have, use, or take, either in common with or to the Exclusion of any other Person or Persons, all or any of the Water flowing or which shall or may flow or be made to flow in, through, upon, or over any Lands belonging to such University or College, or any Part or Parts thereof (except as herein-after is mentioned), and also all Wayleaves or Waterleaves, Canals, Watercourses, Tramroads, Railways, and other Ways, Paths, Passages, either subterraneous or over the Surface of any Lands, Yards, Wharfs, or other like Easements or Privileges in, upon, out of, or over any Part or Parts of the Lands belonging to such University or College (except as herein-after is mentioned) for any Term or Number of Years, not exceeding *Sixty* Years, to take effect in possession and not in reversion, or by way of future Interest, so as there be reserved on every such Grant, by way of Lease as last

last aforesaid, payable half-yearly or oftener, during the Continuance of the Term thereby granted, the best yearly Rent or Rents, either in the shape of a stated or fixed Sum of Money, or by way of Toll or otherwise, that can be reasonably obtained for the same, without taking any Fine, Premium, or Foregift, or anything in the Nature of a Fine, Premium, or Foregift, for the making thereof, (other than any Provision or Provisions which it may be deemed expedient to insert in any such Grant, rendering it obligatory on the Grantee or Lessee, or Grantees or Lessees, to repair or contribute to the Repair of any Roads or Ways, or to keep open or otherwise use in any specified Manner any Water or Watercourse to be comprised in or affected by any such Grant or Lease,) and so as there be contained in every such Grant, by way of Lease as last aforesaid, a Condition or Power of Re-entry or a Power to make void the same, in case the Rent thereby reserved or made payable, or any Part thereof, shall not be paid within some reasonable Time to be therein specified in that Behalf; and so as the respective Grantees or Lessees do execute Counterparts of the respective Grants or Leases; and generally that in and by any such Grant by way of Lease, as last aforesaid, there shall or may be reserved and contained any other Reservations, Covenants, Agreements, or Stipulations whatsoever, not inconsistent with those hereby required to be reserved or contained, which it shall be deemed expedient to introduce therein.

Power to grant Mining Leases for a Term not exceeding Sixty Years.

XX. It shall be lawful for the said Universities and for any College therein respectively, and for the Colleges of Saint Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, from Time to Time after the *passing of this Act*, by Indenture sealed with their Common Seal, to lease any Mines, Quarries, Minerals, and Substances in, under, or upon any Lands belonging to such University or College, either with or without any Messuages, Buildings, or Lands convenient to be held or occupied with the same respectively, and either with or without the Surface of any Lands in or under which the same or any Part thereof respectively shall lie, and whether the same have or have not been hitherto opened or worked unto any Person or Persons for any Term or Number of Years not exceeding *Sixty* Years, to take effect in possession and not in reversion, or by way of future Interest, together with full Liberty, Power, and Authority to search, bore, dig, sink for Work, and raise the said Mines, Quarries, Minerals, and Substances, and to work any adjacent Mine by way of Out-stroke or other underground Communication, and for those Purposes from Time to Time to do whatever shall be needful or requisite for, in, or about the winning, working, getting, cleansing, and smelting of the said Minerals and Substances and for the manufacturing and carrying away the same, or otherwise incident to Mining Operations,

so as in every such Lease there be reserved and made payable during the Term thereby granted the best and most improved yearly or other Rent or Rents, whether certain or contingent, either in Money or in Tolls, Duties, Royalties, and Reservations, by the Acre, or by the Ton, or otherwise, as can under the Circumstances of the Case be reasonably obtained for the same, and so as such Lease be made without any Fine, Premium, or Foregift for the same, and so as in every such Lease there be contained on the Part of the Lessee a Covenant for the due Payment of the Rent to be thereby reserved, and of all Taxes, Charges, Rates, Assessments, and Impositions whatsoever affecting the Lands therein comprised; and also a Proviso or Condition of re-entry for Nonpayment of the Rent thereby respectively reserved for some reasonable Time to be therein specified, or for Nonperformance or Nonobservance of any of the Covenants or Agreements on the Part of the Lessee therein contained (except such, if any, of the same Covenants and Agreements, not being for the Payment of Rent, as such University or College shall think it reasonable to except), and so as there be not contained in such Lease any Clause or Words authorizing the Lessee to commit Waste, or exempting him from Punishment for committing Waste, save so far as may be necessary for the Purposes aforesaid, and so as the Lessee do execute a Counterpart of such Lease, and enter into such further or other Covenants and Agreements as such University or College granting such Lease shall deem expedient, due Regard being had in every Case to the Custom of the Country or District within which such Mines, Quarries, Minerals, or Substances are situate or found.

Application of Mineral Rents, &c.

XXI. All the net Rents, Tolls, Duties, Royalties, and Reservations which shall be received by the University or College, for or in respect of any Lease to be granted under the Authority of the last foregoing Section, shall be applied and disposed of by such University or College in manner following; (that is to say,) *One equal Third* Part of such net Rents, Tolls, Duties, Royalties, and Reservations, shall be applicable and be applied by such University or College as Part of their ordinary Income, and the remaining *Two equal Third* Parts thereof shall be applicable and be applied by such University or College in or upon any of the Purposes following; (that is to say,) in the Purchase of Lands to be conveyed to the Use or for the Benefit of such University or College, or in the Erection of new Buildings, or in the Addition to and Enlargement of any existing Buildings, or in the Drainage, or other permanent and lasting Improvement of any Lands belonging to such University or College, or in the Purchase of any Wayleaves, or other Easements, in, over, or upon any Lands adjoining, or near to any such Lands; and, in the meantime, until such *Two equal Third* Parts shall be applied in

or

or upon any of the Purposes aforesaid, the same shall be invested by such University or College in the Purchase of Government Stocks, Funds, or Securities, and the Interest, Dividends, and annual Proceeds thereof shall be received by such University or College, and be applicable as Part of their ordinary Income.

Powers to release, enter into new Contracts and accept Surrenders of Leases, &c.

XXII. It shall be lawful for the said Universities and any College therein respectively, and the said Colleges of Saint Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, at any Time to release any Person or Persons with whom any Contract or Contracts may be entered into in pursuance of the Act, and his, her, or their Executors, Administrators, and Assigns, from the Performance of all or any Part of the same Contract or Contracts respectively, and to enter into any new Contract or Contracts, according to the Provisions of this Act, with the same or any other Person or Persons, or his, her, or their Executors, Administrators, or Assigns, in lieu of the Contract or Contracts, or the Part or Parts of the Contract or Contracts, in respect whereof such Release shall have been made, and to enter into any new Covenants and Agreements with any Person or Persons with whom any Contract or Contracts may be entered into, by way of Addition to or Explanation or Alteration of all or any Part or Parts of the Covenants and Agreements in any such Contract or Contracts respectively contained; and also to accept a Surrender or Surrenders of all or any Part of the Lands which may be comprised in any such Contract or Contracts, and of all or any Part of the Lands comprised in any Lease to be granted under any of the Powers herein-before contained, or which shall have been granted before the *passing of this Act*; and upon any such Surrender to grant, according to the Powers herein-before contained, either to the Person surrendering or to any other Person or Persons, one or more new Lease or Leases of the Lands so surrendered, or any Part thereof, either alone or together with any other Lands, and with Liberty in regulating the Terms upon which such new Lease or Leases shall be granted to make such Allowance or Remuneration, either by way of annual Charge upon the Lands so surrendered, or otherwise, to the Person surrendering the same, or his or her Executors, Administrators, or Assigns, for the Value (if any) of the Estate or Interest which shall have been so surrendered, as to such University or College shall seem reasonable, but so that no such Allowance or Remuneration, by way of annual Charge, shall continue for a longer Term or Period than the Term or Period at which the Estate or Interest which shall be surrendered would, if not surrendered, have determined by effluxion of Time: Provided always, that upon any such Surrender as aforesaid, it shall be lawful for the said University or College, if they shall

think fit, to grant a new Lease or new Leases of the Lands so surrendered, either to the Person surrendering the same or to any other Person, for any Term or Number of Years not exceeding the then unexpired Residue of the Term granted by the surrendered Lease, at a Rent or several Rents equivalent to the Amount of the Rent which was reserved by the surrendered Lease in respect of the Entirety of the Lands so surrendered, and in making such new Lease or Leases, either again to subject the whole of the Lands so surrendered to a Rent equivalent to the whole Amount of the Rent which was payable for the same Lands under such surrendered Lease, or so to apportion the Amount of Rent which was payable under such surrendered Lease as that in the new Lease or Leases, so to be made as aforesaid, some specific Part or Parts only, and not the whole of such Lands, shall be subject to the whole or some specific Portion only of the Amount of Rent which was payable under such surrendered Lease, and so that if a Rent or Rents equivalent to the whole Amount of the Rent which was payable under such surrendered Lease, shall by any such new Lease or Leases be reserved or made payable in respect of a Part or Parts only of such Lands, such University or College may grant a Lease or Leases of the Residue of such Lands at the yearly Rent of a Peppercorn: Provided always, that a Certificate in writing under the Hand of the Solicitor, Steward, Chapter, Clerk, or Agent for the Time being of such University or College, that the entire Rent mentioned in the surrendered Lease has been duly reserved in pursuance of this Enactment, shall, as regards the Lessee or Lessees under such new Lease or Leases, and all Persons claiming under him or them, be sufficient and conclusive Evidence of such Reservation: Provided also, that when and as any such new Lease shall be granted under the Powers herein contained, of any Lands comprised in any such surrendered Lease, the Lease so surrendered shall form no Part of the Title to such new Lease.

On Recovery of Possession of any Lands under a Condition of Re-entry new Leases may be granted.

XXIII. If the University or College shall at any Time hereafter enter upon and resume or recover Possession of any Lands comprised in any Lease or Contract to be granted or entered into under the Powers of this Act, by virtue of any Condition of Re-entry therein contained, then and in every such Case it shall be lawful for such University or College, if they shall think fit, to grant Leases or enter into Contracts to grant Leases, and afterwards to grant Leases of the same Lands, and every or any Part thereof, pursuant to the Powers and subject to the Restrictions herein contained: Provided always, that in any such Case as last aforesaid it shall be lawful for such University or College, if they shall think fit, to grant a Lease, or to enter into a Contract to grant a Lease, and afterwards to grant a Lease of the Lands comprised in any such forfeited Lease or Contract for

for any Term or Number of Years not exceeding the then unexpired Residue of the Term granted or agreed to be granted by such forfeited Lease or Contract at a yearly Rent or yearly Rents, which shall not be less in Amount than the Yearly Rent reserved or agreed to be reserved by such forfeited Lease or Contract, but subject in all other respects to the Restrictions herein contained.

Power to confirm Leases which may be void or voidable by Reason of any technical Error or Informality

XXIV. If any Lease or Grant purporting to have been granted or made by virtue of this Act shall, by reason of any technical Error or Informality in exercising the Powers of this Act, be void or voidable, then and in every such Case it shall be lawful for the University and College, if they shall think fit, to confirm such Lease or Grant, or to make a new Lease or Grant of the Lands therein comprised, pursuant to the Powers and subject to the Restrictions herein contained, in lieu of such void or voidable Lease for any Term or Number of Years not exceeding the then Residue of the Term of Years granted or purported to be granted by such void or voidable Lease, and at and under a yearly Rent or yearly Rents which shall be not less in Amount than the yearly Rent reserved by such void or voidable Lease.

Receipts endorsed upon Leases, &c., to be Evidence of Execution of Counterparts.

XXV. A Memorandum in Writing under the Hand of the Steward, Chapter Clerk, Solicitor, or Agent of the University or College endorsed upon any Lease to be granted under the Powers of this Act, acknowledging that he has received such Counterpart of the said Lease as is hereby required to be executed, or a Recital or Statement in such Lease to the effect that such Counterpart has been duly executed, shall, in favour of the Lessee and of all Persons claiming under him, be conclusive Evidence that such Counterpart was duly made and executed pursuant to the Provisions of this Act.

Particular Property not to be leased.

XXVI. Provided always, That this Act or any thing herein contained, shall not authorize the granting of any Lease or the laying out or appropriating for the Purposes in this Act mentioned of any House, or Building or Lands forming Part of or attached to or locally situate within the Boundaries or Precincts of any College or of any Offices, Outbuildings, Yards, and Gardens to any such College adjoining or appertaining, and which may be necessary or convenient for actual Occupation by the Members of any such College or any of them, or the Grant or Lease of any Mines, Minerals, Quarries, Ways, Watercourses, or other Easements the Grant thereof may be prejudicial to the convenient Enjoyment of any such House or Building, or the Offices or Gardens thereto belonging.

Act to extend to Lands held in trust,

XXVII. The Powers and Provisions of this Act in relation to any Lands vested in the said Universities and in any College therein respectively,

or for special Endowments.

respectively, and in the Colleges of Saint Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, shall extend and be applicable not only to any Lands so vested as the Property or for the general Purposes of the University or College, but also to any Lands so vested which may be held upon any Trusts, or for any special Endowment or other Purpose connected with the University or College.

Act not to restrain existing Powers.

XXVIII. Nothing in this Act contained shall restrain the said Universities or any College therein respectively, or the Colleges of Saint Mary of Winchester near Winchester, or of King Henry the Sixth at Eton, from exercising any Powers of Sale, Enfranchisement, Exchange, or Purchase, or from granting any Leases or making any Grants, whether by way of Renewal or otherwise, which the said Universities or any such College as aforesaid might have exercised or granted under the Provisions of any Public or Private Act of Parliament, or under any other Authority, or in any other Manner whatsoever, in case this Act had not been passed.

Christ Church to be considered a College.

XXIX. For the Purposes of this Act the Cathedral or House of Christ Church in Oxford shall be considered to be to all Intents and Purposes a College of the University.

Interpretation of Terms.

XXX. In the Construction of this Act (unless there be something in the Subject or Context repugnant thereto) the Word "Person" or the Word "Persons" shall include Corporations whether Aggregate or Sole authorized by Law to take and hold Lands; the Word "Lease" shall include Grant by Copy of Court Roll; the Word "Lands" shall include Tenements and Hereditaments, corporeal and incorporeal, and the Word "Lessee" shall include any Person or Body Corporate in whom any subsisting Lease or Grant, or the Term or Estate thereby granted in the whole or any Part of the Lands comprised in such Lease is either by the original Grant or Demise, or by Assignment, Devise, or Operation of Law for the Time being vested.

Short Title.

XXXI. It shall be sufficient for all Purposes to cite this Act as "The Oxford and Cambridge Universities and College Estates Act, 1858."

SCHE-

The SCHEDULE referred to in the foregoing Act.

Form of Order authorizing Sale or Enfranchisement or Exchange.

COPYHOLD COMMISSION.

In the Matter of "The Oxford and Cambridge Universities and College Estates Act, 1858." Exparte Oxford [*or* Cambridge] University or College in the University of

WHEREAS a Statement has been submitted to the Copyhold Commissioners on Behalf of the said University or College containing a Proposal for the Sale or Enfranchisement or Exchange [*as the Case may be*] of certain Lands, &c., belonging to the said University or College [*state shortly the Particulars of such Lands, &c., the Terms of such Enfranchisement, and the Consideration Money or Description of other Lands to be given in Exchange, with any other Material Circumstances*]. Now the said Commissioners being of opinion, upon Consideration of the Circumstances mentioned in the said Statement, that the said proposed Sale, or Enfranchisement, or Exchange, will be advantageous and for the Interests of the said University or College, and their Successors, do authorize the said University or College to carry such proposed Sale, or Enfranchisement, or Exchange into effect upon the Terms above stated.

Sealed by Order of the Board
this Day of

Secretary.

Form of Order approving a Reinvestment in the Purchase of other Lands.

COPYHOLD COMMISSION.

In the Matter of "The Oxford and Cambridge Universities and College Estates Act, 1858." Exparte Oxford [*or* Cambridge] University or College in the University of

WHEREAS there is now standing in the Books of the Governor and Company of the Bank of England to the Credit of the Account of the Copyhold Commissioners, Exparte [*here state the particular Account*], the Sum of £ [*insert Amount of Cash or Stock*],

being Monies received from the Sale or Enfranchisement, or for Equality of Exchange [*as the Case may be*] of certain Lands belonging to the said University or College, by virtue of certain Orders heretofore issued by the said Commissioners under the Provisions of the said Act. And whereas it has been represented to the said Commissioners that the Purchase of certain Lands situate at consisting of [*state shortly the Particulars of such Lands, the Purchase Money, with any other material Circumstances*] is a fit and proper Purchase whereon to invest the said Sum of £ [*or the Sum of £ , part of the said aggregate Sum of £*]. Now the said Commissioners being of opinion, upon consideration of the above Circumstances, that the said proposed Purchase will be advantageous, and for the Interests of the said University or College and their Successors, do hereby approve of the same on the Terms above stated, and do direct that the same Purchase shall forthwith be completed by such University or College, and that upon the Completion thereof the said Sum of £ , now standing to the Credit of the said Account of the said Commissioners as aforesaid, or the said Sum of £ , to be paid or raised out of the said Sum of £ now standing to the Credit of the Account of the Commissioners as aforesaid, shall be applied in payment of the said Purchase Money.

Sealed by Order of the Board,
this Day of

Secretary.

Form of Order authorizing a Mortgage.

COPYHOLD COMMISSION.

In the Matter of "The Oxford and Cambridge Universities and College Estates Act, 1858." Exparte Oxford [*or* Cambridge] University or College in the University of

WHEREAS a Statement has been submitted to the Copyhold Commissioners on behalf of the said University or College, containing a Proposal for the Raising of the Sum of £ by way of Mortgage to effect the Purchase of the Estate and Interest of [*Name the Lessee or Copyholder*] in certain Lands situate at consisting of [*state shortly the Particulars of such Lands, &c., the Purchase Money and the Nature and Extent of the Lessee's or Copyholder's Interest with any other material Circumstances*]. Now the said Commissioners being

being of opinion, upon consideration of the Circumstances mentioned in such Statement, that the said proposed Sum of £ may be advantageously raised and applied in the Manner and for the Purposes aforesaid, do authorize the said University or College to raise the same Sum for the Purposes aforesaid by Mortgage of the Lands comprised in any such Lease so purchased as aforesaid, for any Term not exceeding Years, with Interest thereon in the meantime, after the Rate of £ per Cent. per Annum, payable half-yearly during the Continuance of the said Loan.

sities, &c. Estates.

A

BILL

To give to the Universities of Oxford and Cambridge, and the Colleges in those Universities, and to the Colleges of St. Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, Power to sell, enfranchise, and exchange Lands, under certain Conditions, and also to grant Leases for Agricultural, Building, and Mining Purposes, and to deal with the Interests of their Lessees under proper Reservations and Restrictions.

(*Prepared and brought in by Sir William Heathcote, Mr. Gladstone, Mr. Secretary Walpole, and Mr. Wigram.*)

Ordered, by The House of Commons, *to be Printed,* 4 *May* 1858.

[Bill 75.]

Under 4 *oz.*